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United Nations

# Commission on the Status of Women

Report on the forty-first session
(10-21 March 1997)

## Economic and Social Council

Official Records, 1997
Supplement No. 7

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## NOTE

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# Chapter I

# MATTERS CALLING FOR ACTION BY THE ECONOMIC AND SOCIAL COUNCIL OR BROUGHT TO ITS ATTENTION

## A. Draft resolutions

1. The Commission on the Status of Women recommends to the Economic and Social Council the adoption of the following draft resolutions:

### DRAFT RESOLUTION I

### Palestinian women*

The Economic and Social Council,

Having considered with appreciation the report of the Secretary-General concerning the situation of and assistance to Palestinian women,[1]

Recalling the Nairobi Forward-looking Strategies for the Advancement of Women, in particular paragraph 260 concerning Palestinian women and children,[2] and the Beijing Platform for Action adopted at the Fourth World Conference on Women,[3]

Recalling also its resolution 1996/5 and other relevant United Nations resolutions,

Recalling the Declaration on the Elimination of Violence against Women[4] as it concerns the protection of civilian populations,

Aware of the signing by the Palestine Liberation Organization and the Government of Israel of the Declaration of Principles on Interim Self-Government Arrangements on 13 September 1993[5] and of the Interim Agreement on the West Bank and Gaza Strip on 28 September 1995, both in Washington, D.C., within the framework of the Middle East peace process,

Concerned about the continuing difficult situation of Palestinian women in the occupied Palestinian territory, including Jerusalem, and about the severe consequences of continuous Israeli illegal settlements activities as well as the harsh economic conditions and other consequences for the situation of Palestinian women and their families, resulting from the frequent closure and isolation of the occupied territory,

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* For the discussion, see chap. II, paras. 129-131.

[1] E/CN.6/1997/2, sect. II.A.

[2] Report of the World Conference to Review and Appraise the Achievements of the United Nations Decade for Women: Equality, Development and Peace, Nairobi, 15-26 July 1985 (United Nations publication, Sales No. E.85.IV.10), chap. I, sect. A.

[3] Report of the Fourth World Conference on Women, Beijing, 4-15 September 1995 (A/CONF.177/20 and Add.1), chap. I, resolution 1, annex II.

[4] General Assembly resolution 48/104.

[5] A/48/486-S/26560, annex.

1. Stresses its support for the Middle East peace process and the need for full implementation of the agreements already reached between the parties;

2. Reaffirms that the Israeli occupation remains a major obstacle for Palestinian women with regard to their advancement, self-reliance and integration in the development planning of their society;

3. Demands that Israel, the occupying Power, comply fully with the provisions and principles of the Universal Declaration of Human Rights,[6] the Regulations annexed to The Hague Convention IV of 18 October 1907[7] and the Geneva Convention relative to the Protection of Civilian Persons in Time of War of 12 August 1949,[8] in order to protect the rights of Palestinian women and their families;

4. Calls upon Israel to facilitate the return of all refugees and displaced Palestinian women and children to their homes and properties in the occupied Palestinian territory, in compliance with the relevant United Nations resolutions;

5. Urges Member States, financial organizations of the United Nations system, non-governmental organizations and other relevant institutions to intensify their efforts to provide financial and technical assistance to Palestinian women for the creation of projects responding to their needs, especially during the transitional period;

6. Requests the Commission on the Status of Women to continue to monitor and take action with regard to the implementation of the Nairobi Forward-looking Strategies for the Advancement of Women, in particular paragraph 260 concerning Palestinian women and children, and the Beijing Platform for Action;

7. Requests the Secretary-General to continue to review the situation and to assist Palestinian women by all available means, and to submit to the Commission on the Status of Women at its forty-second session a report on the progress made in the implementation of the present resolution.

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[6] General Assembly resolution 217 A (III).

[7] Carnegie Endowment for International Peace, The Hague Conventions and Declarations of 1899 and 1907 (New York, Oxford University Press, 1915).

[8] United Nations, Treaty Series, vol. 75, No. 973, p. 287.

## DRAFT RESOLUTION II

## Agreed conclusions on the critical areas of concern*

The Economic and Social Council,

Recalling General Assembly resolutions 50/203 of 22 December 1995 and 51/69 of 12 December 1996 on the follow-up to the Fourth World Conference on Women and full implementation of the Beijing Declaration and Platform for Action,

Recalling Economic and Social Council resolution 1996/6 of 22 July 1996 on the follow-up to the Fourth World Conference on Women, by which a multi-year programme of work for the Commission on the Status of Women was adopted as a framework for assessing the progress achieved in the implementation of the Platform for Action,

Noting that the Commission on the Status of Women at its forty-first session reviewed progress achieved in implementation of the Platform for Action in the critical areas of concern: women and the environment; women in power and decision-making; women and the economy; and the education and training of women; and proposed ways and means to accelerate implementation in those four areas,

1. Takes note of the report of the Secretary-General on thematic issues before the Commission[9] and the recommendations contained therein;

2. Calls upon Governments, United Nations agencies and bodies and other international organizations, non-governmental organizations and civil society to cooperate in implementing the strategies adopted at the Fourth World Conference on Women and other recent international conferences;

3. Also calls upon Governments, the United Nations system and other international organizations to mainstream a gender perspective into all policies and programmes, while maintaining institutional arrangements to carry out research and develop methodologies and tools for mainstreaming and to advocate for gender equality and the enjoyment by women of their human rights;

4. Endorses the agreed conclusions of the Commission on the Status of Women on women and the environment; women in power and decision-making; women and the economy; and the education and training of women.[10]

## B. Draft decisions

2. The Commission on the Status of Women recommends to the Economic and Social Council the adoption of the following draft decisions:

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* For the discussion, see chap. II, paras. 176-177.

[9] E/CN.6/1997/3.

[10] For the texts of the agreed conclusions, see chap. I, sect. C.1, below.

## DRAFT DECISION I

### Renewal of the mandate of the Open-ended Working Group on the Elaboration of a Draft Optional Protocol to the Convention on the Elimination of All Forms of Discrimination against Women*

The Economic and Social Council decides:

(a) To renew the mandate of the in-session Open-ended Working Group on the Elaboration of a Draft Optional Protocol to the Convention on the Elimination of All Forms of Discrimination against Women, so that it may continue its work, pursuant to Council resolution 1995/29 of 24 July 1995, during the forty-second and forty-third sessions of the Commission on the Status of Women;

(b) To authorize the Working Group to meet in parallel with the Commission at its forty-second and forty-third sessions;

(c) To invite a representative of the Committee on the Elimination of Discrimination against Women to attend these meetings as a resource person.

## DRAFT DECISION II

### Functional commissions**

The Economic and Social Council, bearing in mind the Programme of Action adopted by the World Conference on Human Rights,[11] the Programme of Action of the World Summit for Social Development[12] and the Beijing Platform for Action,[13] and recalling General Assembly resolutions 50/227, 51/96, 51/118 and 51/202 dealing with the implementation of the outcome of United Nations conferences and the role of the functional commissions in the three-tiered intergovernmental process in the follow-up to the above-mentioned programmes of action, decides that every effort should be made to ensure that there is no overlap in the work of the functional commissions engaged in the follow-up to United Nations conferences.

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* For the discussion, see chap. IV, paras. 5-7.

** For the discussion, see chap. II, paras. 150-151.

[11] See Report of the World Conference on Human Rights, Vienna, 14-25 June 1993 (A/CONF.157/24 (Part I)), chap. III.

[12] Report of the World Summit for Social Development, Copenhagen, 6-12 March 1995 (United Nations publication, Sales No. E.96.IV.8), chap. I, resolution 1, annex II.

[13] Report of the Fourth World Conference on Women, Beijing, 4-15 September 1995 (A/CONF.177/20 and Add.1), chap. I, resolution 1, annex II.

## DRAFT DECISION III

### Report of the Commission on the Status of Women on its forty-first session and provisional agenda and documentation for the forty-second session of the Commission*

The Economic and Social Council takes note of the report of the Commission on the Status of Women on its forty-first session and approves the provisional agenda and documentation for the forty-second session of the Commission set out below.

1. Election of officers.

2. Adoption of the agenda and other organizational matters.

3. Follow-up to the Fourth World Conference on Women:

    (a) Review of mainstreaming in organizations of the United Nations system;

    Documentation

    Report of the Secretary-General on the measures taken and the progress achieved in the follow-up to the Fourth World Conference on Women and in mainstreaming a gender perspective within the United Nations system

    Mid-term review of the system-wide medium-term plan for the advancement of women, 1996-2001

    (b) Emerging issues, trends and new approaches to issues affecting the situation of women or equality between women and men;

    (c) Implementation of strategic objectives and action in the critical areas of concern.

    Documentation

    Analytical report of the Secretary-General on the thematic issues before the Commission in accordance with the multi-year work programme, including, as far as possible, progress made in national implementation, based on available existing data and statistics

    Synthesis report on implementation plans of Governments, based, *inter alia*, on national action plans and any other sources of information already available in the United Nations system

4. Communications concerning the status of women.

    Documentation

    Lists of confidential and non-confidential communications concerning the status of women

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* See chap. V.

5. The Convention on the Elimination of All Forms of Discrimination against Women, including the elaboration of a draft optional protocol to the Convention.

6. Provisional agenda for the forty-third session of the Commission.

7. Adoption of the report of the Commission on its forty-second session.

## C. Matters brought to the attention of the Council

3. The attention of the Council is drawn to the text submitted by the Chairperson of the Commission on the follow-up to agreed conclusions 1996/1 of the Economic and Social Council (see chap. II, para. 178).

### 1. Agreed conclusions

4. The following agreed conclusions of the Commission are also brought to the attention of the Council:

### Agreed conclusions 1997/1. Women and the environment*

1. The recently held United Nations conferences and summits, particularly the Fourth World Conference on Women and the United Nations Conference on Environment and Development, have underlined that the contribution of women to economic development, social development and environmental protection, which are mutually reinforcing components of sustainable development, should be recognized and supported, and that there is need for a clear gender perspective in environmental management. Moreover, unless the contribution of women is recognized and supported, sustainable development will be an elusive goal.

2. In the five-year review and assessment of the results of the United Nations Conference on Environment and Development, moving beyond the concept of women as a major group, a major focus should be the mainstreaming of a gender perspective into the development and implementation of all legislation, policies and programmes, with a view to achieving gender equality, taking into account the Beijing Platform for Action[13] and the results of other global conferences.

3. In designing and implementing environmental programmes and policies, including those related to the implementation of Agenda 21,[14] and the Beijing Platform for Action at the national and local levels, all responsible actors should ensure that a gender perspective is fully integrated into them, through the development and application of analytical tools and methodologies for gender-based analysis. Monitoring and accountability mechanisms should be in place to assess gender mainstreaming and its impact.

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* For the discussion, see chap. II, paras. 152-161.

[14] Report of the United Nations Conference on Environment and Development, Rio de Janeiro, 3-14 June 1992, vol. I, Resolutions Adopted by the Conference (United Nations publication, Sales No. E.93.I.8 and corrigendum), resolution 1, annex II.

4. The Commission on Sustainable Development should mainstream a gender perspective into its future work, ensuring that differential impacts on women and men of policies and programmes for sustainable development are well understood and effectively addressed.

5. All responsible actors are requested to adopt a holistic, coordinated and collaborative approach to integrating a gender perspective into sustainable development, between governmental ministries and departments and, at the international level, between United Nations agencies, funds and bodies and other international entities.

6. All responsible actors should support the active participation of women on an equal footing with men in sustainable development at all levels, including participation in financial and technical decision-making through appropriate legislation and/or administrative regulations.

7. Governments should ensure that policies for the liberalization of trade and investment are complemented by effective social and environmental policies into which a gender perspective is fully integrated, so as to ensure that the benefits of growth are fully shared by all sectors of society and to avoid deterioration of the environment.

8. As consumers, both women and men should be more aware of their ability to behave in an environmentally friendly manner through measures such as eco-labelling that is understood by consumers regardless of age or level of literacy, and local recycling schemes.

9. Gender-sensitive research on the impact of environmental pollutants and other harmful substances, including the impact on the reproductive health of men and women, should be intensified and linked with the incidence of female cancers. The findings should be widely disseminated, taking into account the results of research on the implementation of national policies and programmes. However, lack of full scientific data should not be a reason for postponing measures that can prevent harm to human health.

10. The active involvement of women at the national and international levels is essential for the development and implementation of policies aimed at promoting and protecting the environmental aspects of human health, in particular, in setting standards for drinking water, since everyone has a right to access to drinking water in quantity and quality equal to his or her basic needs. A gender perspective should be included in water resource management which, inter alia, values and reinforces the important role that women play in acquiring, conserving and using water. Women should be included in decision-making related to waste disposal, improving water and sanitation systems and industrial, agricultural and land-use projects that affect water quality and quantity. Women should have access to clean, affordable water for their human and economic needs. A prerequisite is the assurance of universal access to safe drinking water and to sanitation, and to that end, cooperation at both the national and international levels should be encouraged.

11. Governments should combat the illegal export of banned and hazardous chemicals, including agro-chemicals, in accordance with relevant international and regional agreements. Governments should support the negotiation of a legally binding international instrument for the

application of prior informed consent procedures for certain hazardous chemicals and pesticides in international trade.

12. Governments, the international community and international organizations should ensure a participatory approach to environmental protection and conservation at all levels and, in elaborating policies and programmes, should recognize that sustainable development is a shared responsibility of men and women and should take into account both men's and women's productive and reproductive roles.

13. All Governments should implement their commitments made in Agenda 21 and the Beijing Platform for Action, including those in the area of financial and technical assistance and the transfer of environmentally sound technologies to the developing countries, and should ensure that a gender perspective is mainstreamed into all such assistance and transfers.

14. The international community and United Nations agencies should continue to assist developing countries in developing the capacity to carry out gender impact assessments and in devising analytical tools and gender-sensitive guidelines. A gender perspective should be mainstreamed into all environmental impact assessments. Governments, the private sector and international financial institutions should accelerate efforts to carry out gender impact assessments of investment decisions.

15. Governments, civil society, United Nations agencies and bodies, and other international organizations should collect, analyse and disseminate data disaggregated by sex and information related to women and the environment so as to ensure the integration of gender considerations into the development and implementation of sustainable development policies and programmes.

16. Actors such as the United Nations, international financial institutions, Governments and civil society should apply a gender perspective in all funding programmes for sustainable development, while acknowledging the importance of continuing programming targeted at women. Funds should be shared across sectors.

17. Multilateral and bilateral donors, Governments and the private sector should increase support to non-governmental organizations, particularly to women's organizations, in playing an active role in advocacy for the implementation of Agenda 21 at the international and national levels, particularly in supporting national policies and programmes for sustainable development in the developing countries.

18. Such assistance should also be rendered to the countries with economies in transition at the bilateral and multilateral levels.

19. Governments, educational institutions and non-governmental organizations, including women's organizations, should work in collaboration to provide information on sound environmental practices, support gender-sensitive education and develop specific gender-sensitive training programmes in this area.

20. All relevant actors should be encouraged to work in partnership with adolescent girls and boys, utilizing both formal and non-formal educational training activities, inter alia, through sustainable consumption patterns and responsible use of natural resources.

21. Political parties should be encouraged to incorporate environmental goals with a gender dimension into their party platforms.

22. Governments, in partnership with the private sector and other actors of civil society, should strive to eradicate poverty, especially the feminization of poverty, to change production and consumption patterns and to create sound, well-functioning local economies as the basis for sustainable development, inter alia, by empowering the local population, especially women. It is also important for women to be involved in urban planning, in the provision of basic facilities and communication and transport networks, and in policies concerned with safety. International cooperation should be strengthened to achieve this end.

23. Women have an essential role to play in the development of sustainable and ecologically sound consumption and production patterns and approaches to natural resource management. The knowledge and expertise of women, especially of rural women and indigenous women, in the use and the protection of natural resources should be recognized, consolidated, protected and fully used in the design and implementation of policies and programmes for the management of the environment.

24. Laws should be designed and revised to ensure that women have equal access to and control over land, unmediated by male relatives, in order to end land rights discrimination. Women should be accorded secure use rights and should be fully represented in the decision-making bodies that allocate land and other forms of property, credit, information and new technologies. In the implementation of the Beijing Platform for Action, women should be accorded full and equal rights to own land and other property inter alia through inheritance. Land reform programmes should begin by acknowledging the equality of women's rights to land and take other measures to increase land availability to poor women and men.

25. Governments should promote the development of ecological tourism initiatives in order to promote and facilitate women's entrepreneurial activities in this field.

26. Education and training of young people on the human rights of women should be ensured, and traditional and customary practices that are harmful to and discriminate against women should be eliminated.

27. Governments, research institutions and the private sector should support the role of women in developing environmentally sound technologies, such as solar energy, and in influencing the development of new and appropriate technologies by ensuring education and training in science and technology.

28. Governments, the private sector and the international community are called upon to give priority attention to the links between security, armed conflict and the environment, and their impact on the civilian population, in particular women and children.

29. Recognizing that gender equality is essential to the achievement of sustainable development, the Chairperson of the Commission on the Status of Women should bring to the attention of the Chairpersons of the Commission on Sustainable Development at its fifth session, and to the General Assembly at its special session to review the implementation of Agenda 21,

the agreed conclusions of the Commission on the Status of Women on women and the environment.

### Agreed conclusions 1997/2. Women in power and decision-making*

1. Implementation of the Beijing Platform for Action[15] should be accelerated to ensure women's full and equal participation in decision-making at all levels.

2. Achieving the goal of equal participation of men and women in decision-making and ensuring equal political, economic and social participation of women in all spheres would provide the balance that is needed to strengthen democracy.

3. Governments and bodies and agencies of the United Nations system, as well as other international organizations, social partners and non-governmental organizations, should collectively and individually accelerate the implementation of strategies that promote gender balance in political decision-making, including in conflict prevention and resolution. They should mainstream a gender perspective, including the use of gender-impact assessments, in all stages of policy formulation and decision-making. They should take into account diverse decision-making styles and organizational practices and take the necessary steps to ensure a gender-sensitive workplace, including a workplace free of sexual harassment and noted for its ability to recruit, promote and retain female staff. Decision-making structures and processes should be improved to encourage the participation of women, including women at the grass-roots level.

4. Research, including a gender-impact assessment of electoral systems to identify measures that would counter the under-representation of women in decision-making and reverse the downward trend of women in parliaments worldwide, should be supported.

5. Political parties are urged to remove discriminatory practices, incorporate gender perspectives into party platforms, and ensure women's access to executive bodies on an equal basis with men, including access to leadership positions as well as to appointed positions and electoral nominating processes.

6. Positive action, including such mechanisms as establishing a minimum percentage of representation for both sexes and/or gender-sensitive measures and processes, is needed to speed the achievement of gender equality and can be an effective policy instrument to improve women's position in sectors and levels where they are under-represented. All responsible actors in government, the private sector, political parties and non-governmental organizations should review the criteria and processes used in recruitment and appointment to advisory and decision-making bodies, including leadership structures, so as to ensure a comprehensive strategy to achieve gender equality.

7. Governments should commit themselves to establishing the goal of gender balance in decision-making, in administration and public appointments at all levels and in the diplomatic services, *inter alia*, by establishing specific time-bound targets.

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* For the discussion, see chap. II, paras. 162-168.

[15] *Report of the Fourth World Conference on Women* ... .

8. Governments and civil society should promote awareness of gender issues and call for their consistent mainstreaming in legislation and public policies.

9. Governments should examine their own communications and policies to ensure the projection of positive images of women in politics and public life.

10. Use of the media both as an image-setting instrument and as a tool to be more effectively used by women candidates should be further explored.

11. Governments, the private sector, political parties, social partners and non-governmental organizations should review the criteria and processes for recruitment and appointment to advisory and decision-making bodies so as to establish the goal of gender balance. At the same time, the business sector should take the challenge to optimize business by promoting a gender balance in the workforce at all levels and to facilitate the reconciliation of work and personal life.

12. Political parties should be encouraged to fund training programmes in conducting campaigns, fund-raising and parliamentary procedures to enable women successfully to run for, be elected to, and serve in public office and parliament. In order to promote reconciliation of work and personal life for women and men, structural changes are needed in the work environment, including flexible working times and meeting arrangements.

13. Governments and the international community should ensure the economic empowerment, education and training of women to enable them to participate in power and decision-making.

14. Governments should promote educational programmes in which the girl child will be prepared to participate in decision-making within the community as a way to promote her future decision-making capacity in all spheres of life.

15. Governments and the United Nations system should promote women's active and equal participation as governmental and non-governmental representatives, special rapporteurs and envoys in all of the initiatives and activities of the system, including as mediators for peacekeeping and peace-building.

16. Governments and bodies and agencies of the United Nations system, as well as other international organizations, should actively encourage the sustained participation and equal representation of women and civic movements in all areas, including decision-making processes related to conflict prevention, conflict resolution and rehabilitation, with a view to creating an enabling environment for peace, reconciliation and reconstruction of their communities.

17. Governments and political parties should actively encourage the mainstreaming of a gender perspective in politics and power structures through increasing women's representation in decision-making to a critical mass in both quantitative and qualitative terms. Alternative approaches and changes in institutional structures and practices can contribute significantly to mainstreaming a gender perspective.

18. Governments, political parties and bodies and agencies of the United Nations system, as well as other international organizations and non-governmental organizations, should continue to collect and disseminate data and sex-disaggregated statistics to monitor the representation of women in government at all levels, in political parties, among social partners, in the

private sector and in non-governmental organizations at all levels, as well as the participation of women in peace and security.

19. The Secretary-General should ensure full and urgent implementation of the strategic plan of action for the improvement of the status of women in the Secretariat (1995-2000) so as to achieve overall gender equality, in particular at the Professional level and above, by the year 2000. The Consultative Committee on Administrative Questions (Personnel and General Administrative Questions) (CCAQ/PER) should continue to monitor and make concrete recommendations regarding steps being taken in the United Nations Secretariat to achieve the target of 50 per cent women in managerial and decision-making positions by the year 2000, as well as steps to achieve gender balance in the United Nations system as a whole. Consistent with Article 101 of the Charter of the United Nations, the Secretary-General is urged to increase the number of women employed in the Secretariat from countries that are unrepresented or under-represented. The Secretary-General should be encouraged to appoint a woman to the proposed new position of Deputy Secretary-General of the United Nations as a step in mainstreaming women in decision-making positions throughout the United Nations system.

20. International and multilateral agencies should consider ways to communicate and exchange information throughout the United Nations system, inter alia, through the convening of workshops and seminars, including at the managerial level, on best practices and lessons learned for achieving gender balance in institutions, including accountability mechanisms and incentives, and mainstreaming a gender perspective into all policies and programmes, including bilateral and multilateral assistance.

21. Member States are also encouraged to include women in their delegations to all United Nations and other conferences, including those dealing with security, political, economic, trade, human rights and legal issues, as well as to ensure their representation in all organs of the United Nations and other bodies such as the international financial institutions, where women's participation is negligible.

22. Member States are urged to promote gender balance at all levels in their diplomatic service, including at the ambassadorial level.

23. Representation of women from other under-represented or disadvantaged groups should be promoted by Governments and by bodies and agencies of the United Nations system, as well as other international organizations and non-governmental organizations in decision-making positions and forums.

24. The attention of Governments is drawn to the general recommendation of the Committee on the Elimination of All Forms of Discrimination against Women on articles 7 and 8 concerning women in public life and decision-making, to be included in the report of the Committee on its seventeenth session.

## Agreed conclusions 1997/3. Women and the economy*

Governments, international organizations and the private sector should recognize the contributions women make to economic growth through their paid and unpaid work and as employers, employees and entrepreneurs. They should adopt the following:

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* For the discussion, see chap. II, paras. 169-171.

1. Governments, international organizations, the private sector, non-governmental organizations, social partners (employers' organizations and labour unions) should adopt a systematic and multifaceted approach to accelerating women's full participation in economic decision-making at all levels and ensure the mainstreaming of a gender perspective in the implementation of economic policies, including economic development policies and poverty eradication programmes. To this end, Governments are urged to enhance the capacity of women to influence and make economic decisions as paid workers, managers, employers, elected officials, members of non-governmental organizations and unions, producers, household managers and consumers. Governments are encouraged to conduct a gender analysis of policies and programmes that incorporates information on the full range of women's and men's paid and unpaid economic activity. Governments, international organizations, particularly the International Labour Organization (ILO), the private sector and non-governmental organizations, should develop and share case studies and best practices of gender analysis in policy areas that affect the economic situation of women.

2. In order to ensure women's empowerment in the economy and their economic advancement, adequate mobilization of resources at the national and international levels, as well as new and additional resources to the developing countries from all available funding mechanisms, including multilateral, bilateral and private sources, for the advancement of women, will also be required.

3. Governments should promote and support the elimination of biases in the educational system so as to counteract the gender segregation of the labour market, enhance the employability of women, and effectively improve women's skills and broaden women's access to career choices, in particular in science, new technologies and other potential and innovative areas of expansion in terms of employment.

4. Economic policies and structural adjustment programmes, including liberalization policies, should include privatization, financial and trade policies, should be formulated and monitored in a gender-sensitive way, with inputs from the women most impacted by these policies, in order to generate positive results for women and men, drawing on research on the gender impact of macroeconomic and micro-economic policies. Governments should ensure, inter alia, that macroeconomic policies, including financial and public sector reforms, and employment generation, are gender-sensitive and friendly to small-scale and medium-sized enterprises. Local-level regulations and administrative arrangements should be conducive to women entrepreneurs. It is the responsibility of Governments to ensure that women are not discriminated against in times of structural change and economic recession.

5. Governments should ensure that women's rights, particularly those of rural women and women living in poverty, are being promoted and implemented through their equal access to economic resources, including land, property rights, right to inheritance, credit and traditional savings schemes, such as women's banks and cooperatives.

6. The international community should actively support national efforts for the promotion of microcredit schemes that ensure women's access to credit, self-employment and integration into the economy.

7. Microcredit schemes should be supported and monitored in order to evaluate their efficiency in terms of their impact on increasing women's economic

empowerment and well-being, income-earning capacity and integration into the economy.

8. Governments, the private sector and those organizations in civil society that provide training services that promote a gender balance in terms of education and participation in economic activity, should focus on institutional capacity-building and consciousness-raising as well as on improving and upgrading technical skills, including business and management skills and the use of new technologies. Local and traditional technologies and products based on women's knowledge should also be supported and promoted.

9. Non-governmental organizations and women's organizations should develop incentives for outstanding women entrepreneurs. It is important that Governments, financial institutions, non-governmental organizations, civil society, women's organizations and other relevant actors promote women's entrepreneurial and self-employed activities through technical assistance services or programmes; information on markets; training; the creation of networks, including those at the regional and international levels; and adequate financial support; and where appropriate, by developing incentives. In order to strengthen the link between sustainable development and poverty eradication, such encouragement and support should extend to businesses owned by women in environmental, resource-based and export-oriented industries.

10. To secure a critical mass of women's participation in top decision-making positions, Governments should implement and monitor anti-discriminatory laws. The public administration and the private sector should comply with these laws and introduce changes to corporate structures. Positive or affirmative action can be an effective policy instrument for improving the position of women in sectors and levels of the economy where they are under-represented. Governments should stimulate employers to introduce objective and transparent procedures for recruitment, gender-sensitive career planning, and monitoring and accountability systems.

11. Social partners (labour unions and employers' organizations) and non-governmental organizations should consider monitoring and publicizing the enterprises and organizations that take initiatives for the advancement of women and publicizing information on the companies that violate anti-discrimination laws.

12. Governments should intensify their efforts to implement the actions identified in the Beijing Platform for Action[15] for the elimination of occupational segregation and all forms of employment discrimination. In that regard, the security of women's employment and the conditions for their reintegration into the labour market need to be the subject of special attention. Due consideration should also be given to women in the informal sector and atypical jobs.

13. Governments, labour unions and the private sector should develop and use analytical tools to compare wages in female and male-dominated occupations, including measures and tools to better reflect the real value of the skills, knowledge and experience of women developed through waged and unwaged work, as well as the full range of the requirements and conditions of waged work, with the aim of achieving equal pay for work of equal value, with a particular focus on minimum wages and low-wage industries. Gender-sensitive monitoring is crucial in enforcing the principle of equal pay for work of equal value. Comprehensive policy-making in this field should include:

(a) Use of analytical tools;

(b) Effective legislation;

(c) Transparency of women's and men's wages;

(d) Changing the gender-based division of labour and the stereotyped choices of men and women;

(e) Effective guidance for employers.

14. Governments are encouraged to develop strategies to increase the well-being of low-waged workers, including enforcement of existing laws in particular in those industries where the most vulnerable workers, predominantly women, are found.

15. Full integration of women into the formal economy and, in particular into economic decision-making, means changing the current gender-based division of labour into new economic structures where women and men enjoy equal treatment, pay and power. To this end, better sharing of paid and unpaid work between women and men is required. Governments should take or encourage measures, including, where appropriate, the formulation, promotion and implementation of legal and administrative measures to facilitate the reconciliation of work and personal and/or family life, such as child and dependant care, parental leave and flexible working schemes for men and women and, where appropriate, shorter working hours.

16. Governments should consider ratifying the new ILO Convention on home-based workers.

17. Governments and employers should ensure the protection of the rights of migrant women workers, by creating better educational and employment opportunities, preventing and combating trafficking in women and children, and eliminating discrimination against women in the labour market.

18. Governments should monitor and enforce equal opportunity policies and labour laws pertaining to the practices of all of the national and transnational corporations operating in their countries.

19. Women and men should identify and support women-friendly corporations and socially responsible businesses through investments and the use of their services or products.

20. The unpaid work of women, such as work in agriculture, food production, voluntary work, work in family business, and work in natural resource management and in the household, is a considerable contribution to the economy. Unpaid work should be measured and valued through existing and improved mechanisms, including by:

(a) Measuring, in quantitative terms, unremunerated work that is outside national accounts, working to improve methods to assess its value, and accurately reflecting its value in satellite or other official accounts that are separate from but consistent with core national accounts;

(b) Conducting regular time-use studies to measure, in quantitative terms, unremunerated work;

(c) Providing resources and technical assistance to developing countries and countries with economies in transition, in valuing and making visible women's unpaid work.

21. The international community, in particular the creditor countries and international financial institutions, including the Bretton Woods institutions, should further pursue effective, equitable, development-oriented and durable solutions to the external debt and debt-servicing problems of the developing countries on the basis of existing debt relief and reduction mechanisms, including debt reduction, grants and concessional financial flows, in particular for the least developed countries, taking into account the negative effect of these issues on women and women's programmes.

22. The funds, programmes and specialized agencies of the United Nations system, including the Bretton Woods institutions, and the World Trade Organization, within their respective mandates, should improve coordination and dialogue at all levels, including the field level, in order to ensure the effectiveness of their programmes and policies to support gender equality.

23. Development policies should focus on the economic empowerment of women. The interlinkage between national policies at the macrolevel and economic and social gender roles and relations at the microlevel should be clear in order to make the policies more effective. The impact on women of liberalization policies, which include privatization, financial and trade policies, should be assessed.

24. Governments should commit themselves to the goal of gender balance, with special emphasis on reaching a critical mass of women, as soon as possible, when nominating representatives to serve on governing bodies of the organizations of the United Nations system and intergovernmental bodies dealing with policy-making in the areas of finance, economic development, trade and commerce (for example, the Fifth Committee and Second Committee of the General Assembly, the Economic and Social Council, the Trade and Development Board, the Industrial Development Board and the General Council of the World Trade Organization).

25. The production and use of disaggregated statistics by sex should be promoted as a fundamental tool for monitoring the gender division of the labour market and the participation of women in high-level management positions, including economic decision-making, showing the advantages of women's participation in top management and conversely the costs of their exclusion. With regard to the United Nations system, a special data section on women managers should be part of the 1998 synthesis report and the report on the status of the world's women. This could serve as a special mechanism for monitoring how gender-balance goals are being achieved.

26. Issues such as the impact on women of structural adjustment and liberalization policies, which include privatization, financial and trade policies, should be further examined and could be taken up in the context of the report of the Secretary-General on the effective mobilization and integration of women in development, to be considered by the General Assembly at its fifty-second session.

27. The international community, while strengthening international cooperation, should emphasize the importance of an open, rule-based, equitable, secure, non-discriminatory, transparent and predictable multilateral trading system that will also ensure the equal access of women to markets and technologies and resources at both the national and international levels.

## Agreed conclusions 1997/4. Education and training of women*

1. There is wide consensus that education and training for girls and women, in particular, provides high social and economic returns and is a precondition for the empowerment of women. Education should be aimed at raising and promoting awareness of the rights of women as human rights. Governments, national, regional and international bodies, bilateral and multilateral donors and civil society, including non-governmental organizations, should continue to make special efforts to reduce the female illiteracy rate to at least half its 1990 level, with emphasis on rural, migrant and refugee women, internally displaced women and women with disabilities, in keeping with the Beijing Platform for Action.[16]

2. Governments and all other actors should make special efforts to achieve the benchmarks set in the Platform for Action of universal access to basic education and completion of primary education by at least 80 per cent of primary school-age children by the year 2000; close the gender gap in primary- and secondary-school education by the year 2005; provide universal primary education in all countries before the year 2015; and consider providing multilateral and bilateral assistance.

3. Governments that have not yet done so should formulate national strategies and action plans for implementation of the Platform for Action that indicate how relevant institutions coordinate action to meet the goals and targets for education. The strategies should be comprehensive, have time-bound targets and benchmarks for monitoring, and include proposals for allocating or reallocating resources for implementation. Mobilization of additional funds from all sources to enable girls and women, as well as boys and men, on an equal basis, to complete their education, may also be necessary.

4. Donor Governments should strive to meet the agreed target of 0.7 per cent of gross national product for overall official development assistance as soon as possible; and interested developed and developing country partners, having agreed on a mutual commitment to allocate, on average, 20 per cent of official development assistance and 20 per cent of the national budget to basic social programmes, should take into account a gender perspective.

5. Governments and other actors should promote an active and visible policy of mainstreaming a gender perspective into all policies and programmes, addressing, _inter alia_, unequal access to educational opportunities and inadequate educational opportunities, and taking into account girls and women in especially difficult circumstances. The education, training and lifelong learning of women should be mainstreamed in policies at all levels, in equal opportunity policies and in national human development plans, where they exist. National machinery for the advancement of women and policy makers in Government, employers' organizations, labour unions, non-governmental organizations and the private sector should collaborate to ensure that all policies are responsive to gender concerns and that women and their organizations participate in the policy-making process.

6. Integrated policy-making must highlight the interlinkage between education and training policies, on the one hand, and labour market policies, on the other hand, with an emphasis on the employment and employability of women. In order

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* For the discussion, see chap. II, paras. 172-175.

[16] _Report of the Fourth World Conference on Women_ ... .

to enhance the employability of women, basic education and vocational qualifications, in particular in the fields of science and technology, are of great importance. In view of the high presence of women in flexible work-time schemes and atypical work, it is particularly important to facilitate women's participation in "on-the-job training" so that they can secure their jobs and promote their careers.

7. Consciousness should be raised about the need for a new allocation of responsibilities within the family, in order to alleviate the extra burden on women.

8. National statistical offices, responsible governmental ministries, research institutions, women's groups, employers and workers' organizations should provide women, government, policy makers and training providers with the best available labour market information. A redesigned, relevant and up-to-date system of labour market information should provide data disaggregated by sex on training, including employer-sponsored training, present employment trends, income and future employment opportunities.

9. Adult education and training programmes should be developed with a wide focus, incorporating not only literacy and numeracy but also lifelong learning skills and improved capabilities for generating income. Measures should be taken to remove barriers to the participation of women in adult education programmes, such as setting up care structures for children and other dependants.

10. Women who wish to start or improve a microenterprise or small business should have access, not only to financial support services, but also to skills-based training to assist them in the successful management of their business.

11. Governments should meet their responsibilities for providing education and training. Government policies should ensure that different actors in the field of education and training provide and promote equal opportunities for women and men. Governments should promote cooperation among the public and private sectors, including non-governmental organizations, labour unions, employers' organizations and cooperatives, to make the process of training relevant, efficient and effective. Citizens should help to mobilize governmental and non-governmental efforts, benefiting from the important role that the media can play, to achieve gender equality in education, training and employment. Employers' and workers' organizations should play a critical role in the provision of professional training at the national and local levels. Governments should be ultimately responsible for developing strategies that ensure women's participation in the provision of education and training, especially for women in remote areas or with social, economic, cultural and physical constraints.

12. Educational planners and policy makers, Governments and other actors should develop programmes in education, technical training and lifelong learning that recognize these components as integral parts on a continuum. This implies that knowledge and skills acquired in formal as well as non-formal, out-of-school education, community activities and traditional knowledge are valued and recognized. The programmes should take a holistic approach, ensuring that women enjoy equality throughout the process in a new learning culture involving individuals, enterprises, organizations and society at large.

13. Educational planners and policy makers should give renewed importance to education in mathematics, science and technology for girls and women. In order

*to develop the skills required,* women need to have full access to education in science and technology at all levels, including the use of modern technologies such as information technology, to vocational training and to lifelong learning. Using a wide range of strategies and modalities, efforts should be made - for instance, through the development of information services and professional guidance for girls and women - to promote girls' and women's participation in fields where they are under-represented, such as science, engineering and technology, and to encourage them to participate actively in the development of new technologies, from design to application, monitoring and evaluation.

14. The development of gender-sensitive teaching materials, classroom practices and curricula and of awareness-raising and regular gender training for teachers is a prerequisite for breaking down gender stereotypes and developing non-discriminatory education and training aimed at the physical and intellectual development of girls and boys. Teacher training is an essential component in the transmittal of gender-sensitive programmes for eliminating the differential behavioural expectations of girls and boys that reinforce the division of labour by gender. Techniques for improving teachers' capabilities to deliver gender-sensitive instruction need to be researched and widely disseminated in order to support the development of multicultural, gender-sensitive curricula in all areas of instruction.

15. The recruitment, training, working conditions and the status of teachers, in particular, of women teachers, must be improved, and gender-sensitive training for teachers, teacher trainers, school administrators and planners must be developed. Positive action programmes should be stimulated in order to overcome the under-representation of women in educational management.

16. The use of instruments available to ensure equality in education and training should be promoted - instruments such as research, information campaigns, refresher courses for teachers, development of gender-sensitive teaching materials, positive action measures and gender-impact assessments. They focus on a variety of actors: girls and boys, parents, teachers, school administrators and policy makers.

17. Governments should provide increased access to non-discriminatory education and training and create safe, enabling environments in order to retain girls and women in schools and eliminate gender disparities in school attendance at all levels of education, including the higher levels. Safety in schools and during extracurricular activities should be promoted by school authorities, parents and administrative personnel. All actors should join efforts by providing school feeding programmes, transport and boarding schools, when necessary. The contribution of non-governmental organizations to all fields of education and, in particular, to lifelong learning is of importance.

18. Governments and all actors should recognize the need for and provide gender-sensitive early childhood education, especially to those groups under difficult circumstances, and should assure the lifelong learning of quality education for the girl child.

19. Governments and all social actors should promote non-formal education programmes and information campaigns to encourage adult women's lifelong learning.

20. The bodies and specialized agencies of the United Nations system, within their existing mandates, should compile and disseminate information on best

practices or strategies for retaining women and girls at all levels of education.

21. Women's studies should be supported and their curricula and research should be shared among educational institutions and women's organizations to provide role models, publicize women's contributions to their societies' advancement, and develop a foundation for gender-equality education and training.

22. The Secretary-General, taking into account his overall responsibility for mainstreaming a gender perspective, should continue to analyse and widely disseminate to Governments and non-governmental organizations, through _Women 000_ and other publications in the official United Nations languages, information on the education and training of women and girls as part of the follow-up to the Fourth World Conference on Women.

## 2. _Resolutions and decisions_

5. The following resolutions and decisions adopted by the Commission are brought to the attention of the Council:

### Resolution 41/1. _Release of women and children taken hostage in armed conflicts, including those subsequently imprisoned_*

_The Commission on the Status of Women_,

_Recalling_ its resolutions 39/2 of 31 March 1995 and 40/1 of 22 March 1996,

_Recalling_ the relevant provisions contained in the instruments of international humanitarian law relative to the protection of women and children in areas of armed conflict,

_Welcoming_ the adoption of the Beijing Declaration and Platform for Action by the Fourth World Conference on Women,[17] including the provisions regarding violence against women and children,

_Expressing_ grave concern at the continuation of armed conflicts in many regions throughout the world and the human suffering and humanitarian emergencies they have caused,

_Emphasizing_ that all forms of violence committed against the civilian population, including women and children in areas of armed conflict, including capturing them as hostages, seriously contravene international humanitarian law, in particular the Geneva Conventions of 12 August 1949 for the protection of victims of war,

_Expressing_ its strong belief that the rapid and unconditional release of women and children taken hostage in areas of armed conflict will promote the implementation of the noble goals enshrined in the Beijing Declaration and Platform for Action,

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* For the discussion, see chap. II, paras. 122-124.

[17] _Report of the Fourth World Conference on Women, Beijing, 4-15 September 1995_ (A/CONF.177/20 and Add.1), chap. I, resolution 1, annexes I and II.

1. Condemns violent acts in contravention of international humanitarian law against civilian women and children in areas of armed conflict, and calls for an effective response to such acts, including the immediate release of such women and children taken hostage, including those subsequently imprisoned, in armed conflict;

2. Strongly urges all parties to armed conflicts to respect fully the norms of international humanitarian law in armed conflict and to take all necessary measures for the protection of these women and children, as well as for their immediate release;

3. Urges all parties to conflicts to provide unimpeded access to specialized humanitarian assistance for these women and children;

4. Requests the Secretary-General, and all relevant international organizations to use their capabilities and efforts to facilitate the release of these women and children;

5. Requests the Secretary-General to prepare, taking into account the information provided by States and relevant international organizations, a report on the implementation of the present resolution, for submission to the Commission on the Status of Women at its forty-second session.

### Resolution 41/2. Older women, human rights and development*

The Commission on the Status of Women,

Recalling its resolution 36/4 of 20 March 1992, in which it emphasized the need to adopt an approach for the advancement of women that takes into account all stages of life, so as to identify measures that respond to women's needs,[18]

Recalling also General Assembly resolution 49/162 of 23 December 1994, in which the Assembly called attention to the fact that the United Nations had estimated that there were 208 million women aged 60 and above in 1985, of which about half lived in the developed world and half in the developing world, and that by the year 2025 that number had been projected to increase to 604 million elderly women for the world as a whole, of which nearly 70 per cent would be living in the developing countries,

Recalling further General Assembly resolution 40/30 of 29 November 1985, in which it was emphasized that the elderly must be considered an important and necessary element in the development process at all levels within a given society,

Aware that age segregation, in addition to sex stereotyping, makes the social and economic problems of older women even more acute and that they are often viewed as beneficiaries only and not as contributors to development,

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* For the discussion, see chap. II, paras. 125-128.

[18] Official Records of the Economic and Social Council, 1992, Supplement No. 4 (E/1992/24), chap. I.C.

Calling attention to the urgent need to develop methodologies to improve the collection of disaggregated statistics by gender and age and to identify and evaluate the different forms of activities of older women that are not normally recognized as having an economic value, in particular their activities in the informal sector and as caregivers,

Recognizing the importance of increasing options and opportunities for older women's economic and social development, particularly in developing countries,

Taking into consideration the fact that the United Nations has proclaimed 1999 as the International Year of Older Persons,[19]

Also taking into consideration the Secretary-General's report on the fourth review and appraisal of the International Plan of Action on Ageing,[20]

1. Invites the Committee on the Elimination of Discrimination against Women to pay particular attention to discrimination on grounds of age when evaluating national reports on the implementation of the Convention on the Elimination of All Forms of Discrimination against Women;[21]

2. Decides to ensure that the contributions and needs of women of all ages, including those of older women, are taken into account when monitoring the mainstreaming of a gender perspective in all policies and programmes within the United Nations system;

3. Recommends that the preparations for the International Year of Older Persons include a gender perspective;

4. Invites the Statistics Division of the United Nations, in cooperation with the International Research and Training Institute for the Advancement of Women, to expand the conceptual analysis and undertake a follow-up study on their pioneering work on methods of compiling and analysing statistics on older women that would provide specific techniques to improve the use of available data;

5. Also invites the Institute to develop analytical tools and methodologies for identifying options and mechanisms for evaluating and fully recognizing the role of older women as important members of the social, economic, political and cultural spheres and for identifying the barriers to the participation of older women in those spheres;

6. Further invites the United Nations Development Fund for Women to assist developing countries in increasing options and opportunities for older women's economic and social development by providing technical and financial assistance for incorporating older women's dimension into development at all levels;

7. Reiterates the request made to the Division for the Advancement of Women by the Commission in its resolution 36/4 to establish, in cooperation with non-governmental organizations, model profiles of the current situation of older

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[19] General Assembly resolution 47/5.

[20] E/CN.5/1997/4.

[21] General Assembly resolution 34/180, annex.

women that will permit all countries, whatever their level of development, to make the necessary projections;

8. Decides that at its forty-second session, under an agenda item entitled "Emerging issues, trends and new approaches to issues affecting the situation of women or equality between women and men", it will consider the status of older women and make substantive recommendations thereon;

9. Also decides that at its forty-second session, in examining the critical area of concern "Human rights of women", it will also pay attention to the violation of older women's rights;

10. Requests the Secretary-General to report to the Commission at its forty-third session on the key global issues regarding the differential impact of population ageing on men and women as a contribution to the International Year of Older Persons.

## Resolution 41/3. Elaboration of a draft optional protocol to the Convention on the Elimination of All Forms of Discrimination against Women*

The Commission on the Status of Women,

Recalling Economic and Social Council resolution 1995/29 of 24 July 1995 and Commission resolution 40/8 of 22 March 1996,

Noting the progress achieved by the Open-ended Working Group on the Elaboration of a Draft Optional Protocol to the Convention on the Elimination of All Forms of Discrimination against Women,

1. Takes note of the reports of the Secretary-General containing a comparative summary of existing communications and inquiry procedures and practices under international human rights instruments and under the Charter of the United Nations[22] and additional views of Governments, intergovernmental organizations and non-governmental organizations on an optional protocol to the Convention,[23] which were before the Working Group;

2. Commends the representative of the Committee on the Elimination of Discrimination against Women on her contribution to the work of the Working Group as a resource person;

3. Requests the Secretary-General to submit to the Commission on the Status of Women at its forty-second session a report containing an annotated comparison of the draft optional protocol and the proposed amendments thereto with the provisions of existing international human rights instruments, taking into account the report of the Working Group to the Commission at its forty-first session;[24]

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* For the discussion, see chap. IV, paras. 5-7.

[22] E/CN.6/1997/4.

[23] E/CN.6/1997/5.

[24] See annex III to the present report.

4. Recommends that the Economic and Social Council adopt the draft decision entitled "Renewal of the mandate of the Open-ended Working Group on the Elaboration of a Draft Optional Protocol to the Convention on the Elimination of All Forms of Discrimination against Women".[25]

## Resolution 41/4. Violence against women migrant workers*

The Commission on the Status of Women,

Bearing in mind the Charter of the United Nations, which reaffirms faith in human rights and fundamental freedoms, in the dignity and worth of the human person, and in the equal rights of women and men,

Reaffirming the principles set forth in the Universal Declaration of Human Rights[26] and the Convention on the Elimination of All Forms of Discrimination against Women,[27]

Recalling General Assembly resolutions 47/96 of 16 December 1992, 48/110 of 20 December 1993, 49/165 of 23 December 1994, 50/168 of 22 December 1995 and 51/65 of 12 December 1996 and Commission on the Status of Women resolutions 38/7 of 18 March 1994,[28] 39/7 of 31 March 1995[29] and 40/6 of 22 March 1996,[30] as well as the Declaration on the Elimination of Violence against Women adopted by the General Assembly at its forty-eighth session,[31] and general recommendation 19 on violence against women of the Committee on the Elimination of Discrimination against Women,

Recalling also the conclusions and recommendations of recent international conferences, including the World Conference on Human Rights, held at Vienna in June 1993, the International Conference on Population and Development, held at Cairo in September 1994, the World Summit for Social Development, held at Copenhagen in March 1995, and the Fourth World Conference on Women, held at Beijing in September 1995, on the promotion and protection of the rights and fundamental freedoms of women, including women migrant workers,

Acknowledging the valuable contribution made by Governments and concerned intergovernmental and non-governmental organizations to the promotion and protection of the enjoyment by women migrant workers of their human rights and fundamental freedoms,

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* For the discussion, see chap. II, paras. 139-143.

[25] For the text of the draft decision, see chap. I, sect. B, draft decision I.

[26] General Assembly resolution 217 A.

[27] General Assembly resolution 34/180, annex.

[28] Official Records of the Economic and Social Council, 1994, Supplement No. 7 (E/1994/27), chap. I, sect. C.

[29] Ibid., 1995, Supplement No. 6 (E/1995/26), chap. I, sect. C.

[30] Ibid., 1996, Supplement No. 6 (E/1996/26), chap. I, sect. C.2.

[31] General Assembly resolution 48/104.

*Noting* the large numbers of women from developing countries and from some countries with economies in transition who continue to venture forth to more affluent countries in search of a living for themselves and their families as a consequence of poverty, unemployment and other socio-economic conditions,

*Recognizing* that it is the duty of sending countries to protect and promote the interests of their citizens who seek to receive employment in other countries, to provide them with appropriate training and education and to apprise them of their rights and obligations in the countries of employment,

*Aware* of the moral obligation of receiving or host countries to ensure the human rights and fundamental freedoms of all persons within their boundaries, including women migrant workers, who are doubly vulnerable because of their gender and their being foreigners,

*Noting* the measures adopted by some receiving States to alleviate the plight of women migrant workers residing within their areas of jurisdiction,

*Noting with concern*, however, the continuing reports of grave abuses and acts of violence in all its forms, committed against women migrant workers by some of their employers in some host countries,

*Stressing* that acts of violence directed against women impair or nullify women's enjoyment of their human rights and fundamental freedoms,

*Recalling* section IV of Economic and Social Council resolution 1996/6 of 22 July 1996, in which the Council decided that the Commission, as part of its work programme for 1998, should consider the issues of women's human rights, violence against women, women and armed conflict and the girl child, in line with the implementation of the Beijing Platform for Action,

1. *Notes* the convening of the United Nations expert group meeting on violence against women migrant workers, which was held at Manila from 27 to 31 May 1996;

2. *Encourages* member States to consider signing and ratifying or acceding to the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families;[32]

3. *Requests* the Secretary-General to take into account and to reflect in his thematic report to the Commission on the Status of Women at its forty-second session the various major findings and recommendations from all reports of the Secretary-General submitted to the General Assembly on the issue of violence against women migrant workers, in order for the Commission to make recommendations on the issue;

4. *Decides* to remain seized of this matter.

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[32] General Assembly resolution 45/158, annex.

## Resolution 41/5. Traffic in women and girls*

The Commission on the Status of Women,

Reaffirming its faith in fundamental human rights, in the dignity and worth of the human person and in the equal rights of men and women, enshrined in the Charter of the United Nations, as well as the principles set forth in the Universal Declaration of Human Rights,[26] the Convention on the Elimination of All Forms of Discrimination against Women,[27] the International Covenants on Human Rights,[33] the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment,[34] the Convention on the Rights of the Child[35] and the Declaration on the Elimination of Violence against Women,[31]

Recalling the Convention for the Suppression of the Traffic in Persons and the Exploitation of the Prostitution of Others,[36]

Recalling also its resolution 40/4 of 22 March 1996,[30] General Assembly resolution 51/66 of 12 December 1996 and Commission on Human Rights resolution 1996/24 of 19 April 1996,[37] as well as all previous resolutions adopted by these three bodies on the subject of the traffic in women and girls,

Recalling further, and concurring with the conclusions and recommendations of recent international conferences, including the World Conference on Human Rights, held in Vienna in 1993, the World Summit for Social Development, held in Copenhagen in 1994, the International Conference on Population and Development, held in Cairo in 1994, and the Fourth World Conference on Women, held in Beijing in 1995, on the human rights of women and girl children, in particular with respect to the violation of those rights for the profit of recruiters, traffickers and crime syndicates, as well as other illegal activities related to trafficking, such as forced domestic labour, false marriages, child marriages, clandestine employment and false adoption,

Recalling the Programme of Action of the International Conference on Population and Development,[38] which, *inter alia*, called upon Governments of both receiving countries and countries of origin to adopt effective sanctions against those who organize undocumented migration, exploit undocumented migrants or engage in trafficking in undocumented migrants, especially those who engage in any form of international traffic in women, youth and children, and called for Governments of countries of origin, where the activities of agents or other intermediaries in the migration process are legal, to regulate such activities in order to prevent abuses, especially exploitation, prostitution and coercive adoption,

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* For the discussion, see chap. II, paras. 144-146.

[33] General Assembly resolution 2200 A (XXI), annex.

[34] General Assembly resolution 39/46, annex.

[35] General Assembly resolution 44/25, annex.

[36] General Assembly resolution 317 (IV).

[37] *Official Records of the Economic and Social Council, 1996, Supplement No. 3* (E/1996/23), chap. II, sect. A.

[38] *Report of the International Conference on Population and Development, Cairo, 5-13 September 1994* (United Nations publication, Sales No. E.95.XIII.18), chap. I, resolution 1, annex.

Recognizing the link between trafficking in women and girl children and some forms of sexual exploitation, including sex tourism, pornography, bride markers and prostitution,

Convinced of the need to eliminate all forms of sexual violence and sexual trafficking, including for prostitution and other forms of commercial sex, which are violations of the human rights of women and girl children,

Acknowledging that the problem of trafficking also victimizes young boys,

Welcoming the convening of the World Congress against Commercial Sexual Exploitation of Children, which was held at Stockholm from 27 to 31 August 1996,[39] and other conferences on trafficking in women and children for sexual exploitation,

Noting with satisfaction the commemoration of the International Day for the Abolition of Slavery on 6 December 1996 with a plenary meeting of the General Assembly devoted to the discussion of the problem of trafficking in human persons, in which a victim of trafficking participated,

Realizing the urgent need for the adoption of effective measures at the national, regional and international levels to protect women and girl children from this nefarious traffic,

1. Expresses serious concern about the unabating traffic in women and girl children;

2. Calls for the acceleration of the implementation of the Platform for Action of the Fourth World Conference on Women[40] by Governments of countries of origin, transit and destination and regional and international organizations as appropriate by:

(a) Considering the ratification and enforcement of international conventions on trafficking in persons and on slavery;

(b) Taking appropriate measures to address the root factors, including external forces, that encourage trafficking in women and girls for prostitution and other forms of commercialized sex, forced marriages and forced labour in order to eliminate trafficking in women, including by strengthening existing legislation with a view to providing better protection of the rights of women and girls and to punishing the perpetrators through both criminal and civil measures;

(c) Stepping up cooperation and concerted action by all relevant law enforcement authorities and institutions with a view to dismantling national, regional and international networks in trafficking;

(d) Allocating resources to provide comprehensive programmes designed to heal and rehabilitate into society victims of trafficking, including through job training and the provisions of legal assistance and confidential health care, as well as by taking measures to cooperate with non-governmental organizations to provide for the social, medical and psychological care of the victims of trafficking;

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[39] See A/51/385.

[40] Report of the Fourth World Conference on Women ..., resolution I, annex II.

(e) Developing educational and training programmes and policies and considering enacting legislation aimed at preventing sex tourism and trafficking, and all forms of sexual exploitation, giving special emphasis to the protection of young women and children;

3. Calls upon all Governments to criminalize trafficking in women and girls in all its forms and to condemn and penalize all those offenders involved, including intermediaries, whether their offence was committed in their own or in a foreign country, while ensuring that the victims of these practices are not penalized, and to penalize persons in authority found guilty of sexually assaulting victims of trafficking in their custody;

4. Encourages Governments, relevant organizations and bodies of the United Nations system, intergovernmental organizations and non-governmental organizations to cooperate with one another to facilitate the development of anti-trafficking measures, to collect and share information and to promote a wider public awareness of the problem;

5. Notes the need to raise awareness of the important role of the media, including new forms of information technology, in informing and educating people about the causes and effects of violence against women and in stimulating public debate on the topic;

6. Calls upon all Governments to take appropriate measures to prevent misuse and exploitation by traffickers of such economic activities as the development of tourism and the export of labour;

7. Encourages the Special Rapporteur of the Commission on Human Rights on violence against women and the Special Rapporteur of the Commission on Human Rights on the sale of children, child prostitution and child pornography, as well as the Working Group on Contemporary Forms of Slavery of the Subcommission on Prevention of Discrimination and Protection of Minorities, to continue to pay special attention to the problem of trafficking in women and girl children, and to make available their reports thereon to the Commission on the Status of Women at its forty-second session;

8. Encourages the Commission on Crime Prevention and Criminal Justice to continue to consider the problem of trafficking in human persons in the context of its discussions on the question of organized transnational crime;

9. Welcomes the proposal contained in General Assembly resolution 51/120 of 12 December 1996 for the elaboration of an international convention against organized transnational crime;

10. Supports the work of the working group of the Commission on Human Rights on the elaboration of a draft optional protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography, and expresses the hope that the working group will make further progress prior to the fifty-fourth session of the Commission with a view to finalizing this work;

11. Welcomes the holding of national, regional and international meetings on trafficking in order to propose measures to eradicate the traffic in women and girls;

12. Decides to remain seized of this matter and to examine, at its forty-second session, the reports of the Special Rapporteurs and relevant organizations and bodies, with a view to making appropriate recommendations to the General Assembly at its fifty-third session, through the Economic and Social Council at its substantive session of 1998.

## Resolution 41/6. Mainstreaming gender perspective into all policies and programmes in the United Nations system*

The Commission on the Status of Women,

Recalling the commitment made in the Beijing Platform for Action[40] to achieve equality between women and men,

Recalling General Assembly resolution 50/203 of 22 December 1995 and 51/162 of 12 December 1996,

Recalling Economic and Social Council resolution 1996/6 of 22 July 1996, in which it was decided that the Commission on the Status of Women would have a catalytic role in mainstreaming a gender perspective in policies and programmes and would identify issues where United Nations system-wide coordination needed to be improved in order to assist the Council in its coordination function,

Emphasizing the need for full implementation of the system-wide medium-term plan for the advancement of women, 1996-2001,

Having considered the question of mainstreaming in organizations of the United Nations system and the statement in the report of the Secretary-General that comments from the Commission on the Status of Women on mainstreaming would provide valuable input into the preparation of the report requested for the Economic and Social Council at its coordination segment in 1997,[41]

1. Reaffirms that the primary goal of mainstreaming a gender perspective is the achievement of gender equality as affirmed in the Beijing Platform for Action;

2. Also reaffirms that mainstreaming a gender perspective is integral to the empowerment of women and achieving gender equality;

3. Stresses that mainstreaming does not exclude the need for targeted, women-specific and/or positive legislation, policies or programming and for gender focal points, whether at the national level or within the United Nations system;

4. Also stresses that gender mainstreaming, as an important means of achieving gender equality, requires the existence of effective national machineries for the advancement of women at the highest political level,

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* For the discussion, see chap. II, paras. 134-138.

[41] E/CN.6/1997/2, para. 15.

appropriate intra- and inter-ministerial procedures and staffing, and other institutions with the mandate and capacity to broaden women's participation;

5. Welcomes the reports of the Secretary-General on the follow-up to the Fourth World Conference on Women,[42] which underscore the importance of mainstreaming a gender perspective by translating the concept into practical action, including by outlining the steps required for mainstreaming;

6. Reiterates that the responsibility for mainstreaming starts at the highest levels, and in this regard, emphasizes the importance of the role of the Special Adviser to the Secretary-General on Gender Issues and Advancement of Women, while stressing the need for the systematic consideration of gender mainstreaming at the highest levels;

7. Also reiterates the need to fully integrate a gender perspective into the coordinated follow-up to major United Nations conferences and summits;

8. Requests the Secretary-General, in the context of the review of the system-wide medium-term plan for the advancement of women in 1998, to give due attention to the implementation of the Beijing Platform for Action, including mainstreaming;

9. Encourages the Secretary-General to continue to give full support to coordination and policy within the United Nations for the implementation of the Beijing Platform for Action and for the mainstreaming of a system-wide gender perspective in all activities of the United Nations, taking into account the mandates of the bodies concerned;

10. Stresses the importance of the work of the Inter-Agency Committee on Women and Gender Equality in regularly monitoring progress made in incorporating a gender perspective in institutional structures, policies and programming;

11. Also stresses the importance of mainstreaming a gender perspective into the ongoing restructuring process of the Secretariat, and welcomes the efforts already made;

12. Encourages further cooperation between the Division for the Advancement of Women of the Secretariat and other parts of the United Nations system in order to mainstream a gender perspective in areas such as peacekeeping, political, economic and social affairs, operational activities for development, and humanitarian affairs;

13. Calls upon all bodies and agencies of the United Nations system, in the design and implementation of their programmes and assistance, to respect fully the human rights of women and the girl child;

14. Invites the United Nations High Commissioner for Human Rights, in the execution of his/her mandate, to pay particular attention to the need for cooperation and coordination to ensure that the equal status of all human rights of all women and the girl child are integrated into United Nations system-wide activities, as well as to the means of achieving this, as noted in Commission on the Status of Women resolution 40/3[43] and Commission on Human Rights resolution

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[42] A/51/322 and E/CN.6/1997/2.

[43] Official Records of the Economic and Social Council, 1996, Supplement No. 6 (E/1996/26), chap. I, sect. C.2.

1996/48,[44] and, in particular and in view of the critical areas of concern to be discussed by the Commission on the Status of Women at its forty-second session, to ensure that the reports of the Special Rapporteur on violence against women, its causes and consequences are brought to the attention of the Commission to assist it in its work in the area of violence against women;

15. Stresses the need to increase cooperation and further integration of objectives and goals between the Commission on the Status of Women, other functional commissions and United Nations bodies in view of the twelve critical areas of concern in the Beijing Platform for Action;

16. Urges future development of inter-agency and inter-secretariat linkages in, inter alia, mainstreaming a gender perspective, such as the Inter-Agency Committee on Women and Gender Equality and the joint work plan of the Division for the Advancement of Women and the Centre for Human Rights and the need for this plan to be considered fully by the Commission on Human Rights;

17. Also stresses the need for steps to be taken to integrate a gender perspective into human rights activities and programmes, bearing in mind the guidelines contained in the report of the expert group meeting on this issue,[45] including reporting under international human rights instruments and mechanisms;

18. Draws attention to the need to give due consideration to the human rights of women and the girl child in the preparations for the five-year review of the Vienna Declaration and Programme of Action[46] and the commemoration of the fiftieth anniversary of the Universal Declaration of Human Rights,[26] and in order to do so, requests that the United Nations High Commissioner for Human Rights, the United Nations High Commissioner for Refugees, the Special Rapporteur on violence against women, other relevant rapporteurs and working groups, as appropriate, and treaty body experts be invited to participate in the discussion at the forty-second session of the Commission of the Status of Women on the critical areas of concern "Human rights of women" and "The girl child";

19. Welcomes the note by the Secretary-General on agreed conclusions 1996/1 adopted by the Economic and Social Council on coordination of United Nations system activities for poverty eradication,[47] in particular, its emphasis on mainstreaming a gender perspective in all United Nations activities for poverty eradication, at all levels;

20. Encourages the Economic and Social Council at its coordination segment to evaluate the steps taken by the United Nations system to implement the recommendations in its agreed conclusions 1996/1 on mainstreaming a gender perspective in United Nations activities for poverty eradication, including the use of data disaggregated by sex, review of statistical indicators, gender-impact analysis, monitoring and evaluation, and gender-sensitive training, and to present recommendations on further steps to ensure a common United Nations system-wide approach to mainstreaming a gender perspective in all United Nations

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[44] Ibid., Supplement No. 3 (E/1996/23), chap. II, sect. A.

[45] E/CN.4/1996/105, annex.

[46] Report of the World Conference on Human Rights, Vienna, 14-25 June 1993 (A/CONF.157/24 (Part I)), chap. III.

[47] E/CN.6/1997/6.

development activities, including those of United Nations funds and programmes and the specialized agencies;

21. Emphasizes the critical role that the resident coordinator system plays in ensuring that gender perspectives are mainstreamed in the country programmes of United Nations operational agencies;

22. Requests that the United Nations Development Fund for Women work to bring its experience in programme countries to the attention of other organizations in the United Nations system with a view to strengthening the gender perspective of development programmes in developing countries and increasing synergy with other United Nations organizations;

23. Requests the Secretary-General, in his report for the Commission on the Status of Women at its forty-second session on the thematic issues of violence against women, women and armed conflict, the human rights of women, and the girl child, to draw special attention to the full participation of women in all aspects of humanitarian assistance programmes, including their design, management, implementation, monitoring and evaluation, drawing upon the reports of the agencies and bodies of the United Nations system concerning humanitarian assistance and other reports as necessary;

24. Stresses the importance of mainstreaming a gender perspective in the individual programmes of the medium-term plan for the period 1998-2001, as adopted by the General Assembly,[48] and encourages the Committee for Programme and Coordination to examine this issue when reviewing the medium-term plan;

25. Emphasizes that the implementation of the Platform for Action requires the mainstreaming of a gender perspective into the design, planning and implementation of all policies and programmes and administrative procedures in the United Nations system, and in this regard, notes with appreciation the conclusion of the Inter-Agency Committee on Women and Gender Equality that mainstreaming is a responsibility of the United Nations system as a whole and of all staff in all policy and programme areas and in decision-making;

26. Encourages the Economic and Social Council, at its coordination segment in 1997, to develop specific recommendations for mainstreaming a gender perspective into all United Nations system activities, including by:

(a) Assessing the achievements and the obstacles encountered in mainstreaming a gender perspective at the intergovernmental level, including the General Assembly, the Economic and Social Council and the regional and functional commissions, and in the United Nations system, including the Secretariat, the specialized agencies and all operational activities, including those at the field level, and making specific recommendations thereon;

(b) Encouraging the development of methodologies and practical tools for mainstreaming a gender perspective and for monitoring progress thereon on a regular basis, especially at senior levels, through, inter alia, performance indicators and evaluation, mechanisms for accountability, impact analysis and identifying best practices;

(c) Stressing the importance of further developing and improving training on gender issues, inter alia, through evaluation of training practices, in order to strengthen expertise on gender issues;

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[48] General Assembly resolution 51/219.

(d) Stressing the need to draw on the considerable experience and expertise that exists within the Division for the Advancement of Women, the United Nations Development Fund for Women, the International Research and Training Institute for the Advancement of Women and other gender units/focal points to provide advice, and encouraging efforts to develop and enhance cooperation and linkages between these units and other parts of the system, including with the Inter-Agency Committee on Women and Gender Equality, in order to broaden responsibility for the implementation of mainstreaming;

(e) Emphasizing the importance of achieving a gender balance and the need to implement recommendations and goals already established to increase women's access to senior levels of decision-making in the United Nations system, including in matters relating to peacekeeping, preventive diplomacy and economic and social development, taking into account equitable geographical representation in conformity with Article 101 of the Charter of the United Nations, as a key component of mainstreaming a gender perspective;

(f) Underscoring the importance of working with non-governmental organizations and women's groups, and developing partnerships to build capacity for progress in mainstreaming;

(g) Calling upon United Nations departments and bodies, in the context of preparation of the programme budget for the biennium 1998-1999 and in budget decisions in general, to take full account of the need to implement the Beijing Platform for Action and to mainstream a gender perspective in their programmes, in line with the recommendations of the Platform, and to identify clearly those activities that are necessary to achieve that objective;

(h) Calling for adequate human and financial resources, including resources for the Division for the Advancement of Women, the United Nations Development Fund for Women and the International Research and Training Institute for the Advancement of Women, in order to carry out all tasks foreseen in the Beijing Platform for Action;

27. Stresses that mainstreaming a gender perspective into all United Nations-system activities is an ongoing process requiring regular assessment and commitment at the highest level, and further stresses, in this context, the need for effective follow-up throughout the United Nations system to the recommendations of Economic and Social Council coordination segment;

28. Urges that the Economic and Social Council specifically integrate a gender perspective into its deliberations on economic and social issues, including the high-level segment;

29. Requests Governments to include information on progress in mainstreaming when submitting their reports on national action plans for the implementation of the commitments contained in the Beijing Platform for Action, which are due by 30 May 1997, as input for the preparation of the synthesis report of the Secretary-General in 1998;

30. Requests the Secretary-General to report on the implementation of the present resolution.

### Decision 41/101. Follow-up to the Fourth World Conference on Women*

At its 15th meeting, on 21 March 1997, the Commission on the Status of Women took note of the proposed programme of work of the Division for the Advancement of Women of the United Nations Secretariat for the biennium 1998-1999[49] and made the following comments:

(a) Efforts should go forward to improve service to the Committee on the Elimination of Discrimination against Women and to hold two regular annual sessions of the Committee, starting in 1997, in accordance with General Assembly resolution 51/68 of 12 December 1996;

(b) Sufficient resources should be made available to the Division for the Advancement of Women to provide effective substantive support to the Special Adviser on Gender Issues and Advancement of Women, in view of the importance placed on the work of the Special Adviser and the Division in the follow-up to the Fourth World Conference on Women, including the work of the Inter-Agency Committee on Women and Gender Equality;

(c) The Commission supports the increased efforts by the Division for the Advancement of Women to contribute actively to mainstreaming a gender perspective in all activities, programmes and policies of the United Nations and supports the increased cooperation between the Division, the functional commissions of the Economic and Social Council and United Nations bodies and agencies, including the Centre for Human Rights, as described in the joint work programme presented for 1997;

(d) The intensified activities in coordination and outreach by the Division, including its recurrent publications, are appreciated, in particular the proposal to continue the publication Women 2000 in its new streamlined format as an important outlet for emerging issues in the follow-up to the Fourth World Conference on Women, for dissemination to Governments and non-governmental organizations, as well as the WomenWatch Web site being developed jointly by the Division, the United Nations Development Fund for Women and the International Research and Training Institute for the Advancement of Women, which provides information electronically in a timely fashion on the work of the Commission on the Status of Women, the Committee on the Elimination of Discrimination against Women, and Governments, including the texts of national action plans or strategies.

### Decision 41/102. Report of the Secretary-General on improvement of the status of women in the Secretariat

At its 16th meeting, on 21 March 1997, the Commission on the Status of Women took note of the report of the Secretary-General on improvement of the status of women in the Secretariat.[50]

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* For the discussion, see chap II, paras. 147-149.

[49] E/CN.6/1997/CRP.2.

[50] E/CN.6/1997/7.

# Chapter II

## FOLLOW-UP TO THE FOURTH WORLD CONFERENCE ON WOMEN

1. The Commission considered item 3 of its agenda at its 1st to 12th and 14th to 16th meetings, from 10 to 14, 17, 20 and 21 March 1997. It had before it the following documents:

(a) Report of the Secretary-General on progress achieved in the follow-up to the Fourth World Conference on Women and in mainstreaming a gender perspective within the United Nations system (E/CN.6/1997/2);

(b) Report of the Secretary-General on thematic issues before the Commission on the Status of Women (E/CN.6/1997/3);

(c) Note by the Secretary-General on agreed conclusions 1996/1 adopted by the Economic and Social Council at its 1996 coordination segment on coordination of the United Nations system activities for poverty eradication (E/CN.6/1997/6);

(d) Report of the Secretary-General on improvement of the status of women in the Secretariat (E/CN.6/1997/7);

(e) Note by the Secretary-General on implementation of General Assembly resolution 50/166 on the role of the United Nations Development Fund for Women in eliminating violence against women (E/CN.6/1997/8);

(f) Note by the Secretary-General transmitting the results of the sixteenth session of the Committee on the Elimination of Discrimination against Women (E/CN.6/1997/CRP.1);

(g) Note by the Secretary-General on the proposed programme of work of the Division for the Advancement of Women of the United Nations Secretariat for the biennium 1998-1999 (E/CN.6/1997/CRP.2).

2. At the 1st meeting, on 10 March, the Commission heard an introductory statement by the Special Adviser on Gender Issues and Advancement of Women.

3. At the same meeting, the Under-Secretary-General for Policy Coordination and Sustainable Development made a statement.

4. The observer for the United Republic of Tanzania made a statement on behalf of the States Members of the United Nations that are members of the Group of 77 and China.

5. At the 2nd meeting, on 10 March, statements were made by the representatives of the United States of America, Namibia (on behalf of the States Members of the United Nations that are members of the Southern African Development Community), Chile, the Dominican Republic, the Republic of Korea, Ghana, Paraguay, Indonesia, Brazil, China, the Russian Federation, Ecuador and Poland and the observer for the Netherlands (on behalf of the States Members of the United Nations that are members of the European Union, Bulgaria, Cyprus, Estonia, Hungary, Latvia, Lithuania, Poland, Romania, Slovakia, Slovenia, Iceland, Liechtenstein and Norway), Argentina, Malta, Israel, Spain and Kyrgyzstan.

6. At the same meeting, statements were made by the representative of the Economic Commission for Latin America and the Caribbean (on behalf of the regional commissions) and the representative of the United Nations High Commissioner for Human Rights.

7. Statements were also made by the observers for the International Federation of University Women and the International Council of Women, non-governmental organizations in consultative status with the Economic and Social Council.

8. At the 11th meeting, on 17 March, statements were made by the representatives of Japan, the Islamic Republic of Iran, India, the Philippines, Peru, Tunisia, Kenya, Slovakia, Malaysia, Morocco, Costa Rica, Mali, Congo and Guinea and the observers for Bangladesh, the Syrian Arab Republic, Antigua and Barbuda (on behalf of the States Members of the United Nations that are members of the Caribbean Community), Côte d'Ivoire, Canada, Nigeria, Algeria, Liechtenstein, Bahrain and Cuba.

9. The observer for Palestine also made a statement.

10. Statements were made by the Executive Director of the United Nations Population Fund and the Director of the United Nations Development Fund for Women.

11. The Chairperson of the Committee on the Elimination of Discrimination against Women also made a statement.

12. The observer for the International Federation of Red Cross and Red Crescent Societies, an intergovernmental organization, made a statement.

13. At the 12th meeting, on 17 March, statements were made by the representatives of the International Research and Training Institute for the Advancement of Women and the United Nations Children's Fund.

14. The representative of the Food and Agriculture Organization of the United Nations also made a statement.

15. Statements were made by the observers for two caucuses of non-governmental organizations and by observers for the following non-governmental organizations in consultative status with the Economic and Social Council: International Federation of Business and Professional Women, International Confederation of Free Trade Unions, Soroptimist International and World Islamic Call Society.

### Implementation of strategic objectives and action in the critical area of concern: women and the environment (agenda item 3 (c) (i))

16. At its 3rd meeting, on 11 March, the Commission held a panel discussion on women and the environment and heard presentations by the following experts: Christina Amoako-Nuama, Minister for Environment, Science and Technology, Ghana; Sirpa Peitikäinen, Economist and former Minister of Environment, Finland; Nitin Desai, Under-Secretary-General for Policy Coordination and Sustainable Development; Khawar Mumtaz, Coordinator, Shirkat Gah - Women's Resource Centre; Rachel Kyte, World Conservation Union.

17. At the same meeting, the Commission held a dialogue among Governments, in which the following delegations participated: Ecuador, Israel, Argentina, Costa Rica, Zambia, Dominican Republic, Mexico, United States of America, Chile, China, Ghana, Spain and Malaysia.

18. The observer for Women's Environment and Development Organization, a non-governmental organization in consultative status with the Economic and Social Council, and two observers for an environment caucus of non-governmental organizations also spoke.

19. The panellists responded to points raised.

20. At the 4th meeting, on 11 March, the Commission held a dialogue among Governments, in which the following delegations participated: Turkey, New Zealand, Viet Nam, Finland, Japan, Canada, United States of America, Zimbabwe, Republic of Korea, Argentina, Costa Rica, Sweden, Portugal, France, Mali, Islamic Republic of Iran, Kyrgyzstan, United Kingdom of Great Britain and Northern Ireland, Poland, Namibia, Brazil, Mexico, Zambia, Ecuador, Kenya, Tunisia, Bahamas and Indonesia.

## Moderator's summary of the panel discussion and dialogue on women and the environment

21. The Beijing Platform for Action stressed that sustainable development would be an elusive goal unless women's contribution to environmental management was recognized and supported. It called upon Governments and all other actors to promote an active and visible policy of mainstreaming a gender perspective in all policies and programmes and to ensure the necessary political and economic empowerment of women to enable them to participate fully along with men in environmental protection and conservation of natural resources.

### Mainstreaming a gender perspective in policies and programmes for sustainable development and in the implementation of Agenda 21

22. A holistic approach to sustainable development was crucial. Sustainable development could not be achieved without solving environmental problems, and environmental problems needed to be dealt with in the context of wider issues of human rights, gender and social equality, fair distribution of resources and empowerment of people.

23. Agreements reached at the recent United Nations conferences and summits represented an evolving understanding of the links between gender, environment, population, and economic and social development. A cross-sectoral approach was critical for addressing crucial interrelationships for achieving sustainable development. A further challenge was to infuse the development agenda with a human rights perspective.

24. The United Nations Conference on Environment and Development had represented a breakthrough in environmental awareness, including the drawing of attention to the important role women play in sustainable development. The subject of the inclusion of women as a major group in Agenda 21 needed, however, to be revisited in the light of subsequent international agreements. The concept of women as a special group had been rejected at Vienna, Cairo and Beijing in favour of mainstreaming a gender perspective into all aspects of development. The series of global United Nations conferences following the Rio Conference had reflected this important shift away from women as a special group to women as key actors in all sectors of sustainable development.

25. The special session of the General Assembly to review the implementation of Agenda 21 should take the results of other conferences fully into account and should employ a gender perspective in assessing the implementation of Agenda 21 in all sectors.

26. The importance of integrating a gender perspective in all policies and programmes was emphasized, including creating awareness of the impact of various policy measures and programmes for sustainable development on women as well as men.

27. The focus on women's empowerment and participation in decision-making for sustainable development should not divert attention from the importance of shared responsibility of both women and men, and the inclusion of women in decision-making should not be seen as a sufficient response to the need for mainstreaming a gender perspective in policies and programmes.

28. The importance of capacity-building, both internationally and nationally, for gender mainstreaming in sustainable development was noted. In this connection, training and advocacy campaigns were cited as effective tools for improving both gender and environmental awareness. Gender sensitivity training should be introduced across all the agencies working in planning for sustainable development.

29. Legislation at the national level should be brought into conformity with international commitments and treaty obligations, including, for example, the Convention on the Elimination of All Forms of Discrimination against Women.

30. Resources for gender mainstreaming were too often taken from the limited funds available to women's ministries or offices. Part of mainstreaming would be to ensure that resources for bringing women into sustainable development were allocated from the budgets of other sectors and to ensure that these resources helped to integrate women-targeted projects into wider efforts for sustainable development.

### Women's participation in decision-making for sustainable development

31. The relationship between women and the environment should be considered in the light of the shift in focus from women as either victims or preservers of the environment, to empowerment of women both economically and politically. In view of the fact that women are not a homogeneous group, such factors as age, socio-economic status and race should also be taken into account.

32. The participation of civil society, women and men had proved to be essential for sustainable development. The reliance on top-down structures and decision-making and the creation of mega-structures often prevented participation by local communities and other actors in civil society in averting negative environmental impacts. Notwithstanding the cautioning that merely increasing the number of women in decision-making had not necessarily led to gender mainstreaming and better policies for sustainable development, evidence was noted that the participation of women and women's groups at the community level had a positive impact. The creation of a critical mass of women decision makers had proved to be an effective strategy for bringing about change in organizational cultures and policies. Structures and approaches that promoted efficient cooperation between the public and private sectors and between women and men in partnership had also been successful.

33. One of the ways to increase women's participation in decision-making for sustainable development was to provide women with access to education and training in science and technology.

34. The importance of alliance-building and networking among those women who were in decision-making positions was stressed.

35. Women at the local level often had specialized knowledge, traditions and interests that made them efficient managers of natural resources. However, this did not automatically put them in a position to take critical decisions, given their often subordinate position in the household and the community. Their input into decisions on community resource management needed to be ensured through formal arrangements. Particular attention should be given to women in the agricultural sector where access to training, land and productive resources would facilitate their participation in decision-making for sustainable development.

### Assessing the relationship between women and the environment and the impact of environmental factors on women

36. In identifying or developing technological solutions for environmental problems, it was considered essential to ensure that those solutions reflected the needs and interests of both men and women and that they were compatible with indigenous knowledge and local realities. Technologies that were inexpensive, easy to install and to operate, and consistent with the needs of communities, including women, had been highly successful. Solar energy was an example of a technology in whose development women could play a pioneering role. Transfer of technology should promote capacity-building for both women and men and include training for both groups.

37. It was suggested that all development policies and programmes should include a gender impact assessment along with an environmental impact assessment. It was considered important to assess in a gender-sensitive way the impact of globalization processes, privatization and liberalization of trade, industrialization and export-oriented production in relation to environmental concerns. The impact of international and regional trade agreements on women should be examined as well.

38. The pressing need for research on the impact of environmental degradation on women's health, including breast cancer and other cancers in females was pointed out.

39. Information on technologies and pollutants should be made widely available, especially to women, so as to assist in the prevention of environmental damage.

40. The economic recovery and structural adjustment programmes of the last decade had necessitated the removal of subsidies on some products, like liquefied petroleum gas, with definite links to environmental degradation. Concern was expressed about the export of banned pesticides from developed to developing countries and the environmental impact on women and men.

41. The lack of gender-disaggregated data, indicators (both qualitative and quantitative) and research on gender impacts of environmental policies and programmes was noted. Efforts were needed to collect and improve data disaggregated by sex so as to better understand the impact of environmental policies and programmes on women. The lack of such data should not, however, be used as a reason to postpone mainstreaming of a gender perspective into policies and programmes at all levels.

42. The significant link between water resources and agriculture, forestry, and urban development was emphasized. The decline of water quality and the increased demand for clean water were noted. Local communities, especially women, should be given a more prominent role in water resource planning, development and management.

Implementation of strategic objectives and action in the critical area of concern: women in power and decision-making (agenda item 3 (c) (ii))

43. At the 5th meeting, on 12 March, the Chairperson made a statement.

44. At the same meeting, the Commission held a panel discussion on women in power and decision-making and heard presentations by the following experts: Billie Miller, Deputy Prime Minister, Minister of Foreign Affairs, Tourism and International Transport, Barbados; Zofia Kuratowska, Deputy Speaker, Senate of Poland; Paloma Durán y Lalaguna, Professor of Law in the Faculty of Juridical Sciences, Universidad Jaime I, Spain; Eugenia Piza Lopez, Policy and Advocacy Manager, International Alert; Faiza Kefi, Member of the National Assembly of Tunisia and President of the Inter-Parliamentary Union Coordinating Committee of Women Parliamentarians.

45. Also at the same meeting, the Commission held a dialogue among Governments, in which the following delegations participated: India, Austria, Ghana, Tunisia, Paraguay, Israel, United States of America, Congo, Mexico, Slovakia, Norway and Chile.

46. The representative of the United Nations Educational, Scientific and Cultural Organization also spoke.

47. The observers for four caucuses of non-governmental organizations spoke. The observer for the Inter-Parliamentary Union, a non-governmental organization in consultative status with the Economic and Social Council, also spoke.

48. The panellists responded to points raised.

49. At the 7th meeting, on 13 March, the Chairperson made a statement.

50. At the same meeting, the Commission held a dialogue among Governments, in which the following delegations participated: Namibia, Costa Rica, Ecuador, Finland, Turkey, Philippines, Argentina, Togo, Italy, China, Mali, Dominican Republic, Japan, Russian Federation, Germany, Brazil, France, Republic of Korea, Mexico, Kyrgyzstan, Indonesia, Netherlands, Malaysia, Guinea, New Zealand, Australia, Cuba, Canada, Syrian Arab Republic, Israel, Lebanon, Islamic Republic of Iran, Sweden and United States of America.

51. The observer for Palestine also spoke.

52. The panellists responded to points raised.

Moderator's summary of the panel discussion and dialogue on women in power and decision-making

53. The Beijing Platform for Action emphasized that a comprehensive, broad-based approach to women's empowerment was essential if women were to fully participate and be represented in decision-making at all levels in political, economic and social life. Women's political participation and representation were inextricably linked to wider issues of economic empowerment; education and training; human rights; social attitudes; values; and social support systems. Achieving the goal of equal participation of women and men in decision-making would provide the balance that was needed in order to strengthen democracy and promote its proper functioning.

### Ways and means for promoting women's participation and equal representation in power and decision-making

54. The absence of women as key decision makers in the political process continued to be an issue of critical concern in developed and developing countries. The unequal representation of women in decision-making was depriving countries of talent and wisdom, as well as diverse styles of decision-making. The persistent absence of women in preventive diplomacy and peace negotiations was of particular concern. Barriers to women's participation included stereotypes, tradition and competition in political parties and with the "old boys' network". It was noted that the political will for more women to function in politics was often lacking. The particular situation of women in countries and regions undergoing transition and consolidating democracy was highlighted.

55. Poverty, lack of access to basic resources, lack of access to political party lists, low salaries and discrimination in the workplace were noted as root causes of women's under-representation in political decision-making. If women had to be concerned with survival, there was little time left for assuming positions of leadership and political power. Recognition of women's unpaid work, and the sharing of family and household responsibilities, along with training in non-traditional skills, were mentioned as prerequisites for women worldwide to participate actively in power and political decision-making.

56. Ways and means of promoting increased participation by women in political decision-making and conflict resolution, and of achieving a gender balance in decision-making bodies at all levels, were discussed. Quotas and targets in legislatures and political parties were suggested as necessary to accelerate the equal representation of women in politics. Some noted, however, the controversial nature of quotas and stressed that they should be used only as a temporary solution. Some considered that women should still enter into power strictly on the basis of competition.

57. Electoral reform, specifically the adoption of proportional representation in place of plurality systems, was a possible means for increasing the percentage of women in parliaments. One approach suggested that there should be no less than 30-40 per cent and no more than 60-70 per cent of either sex in decision-making positions. Rosters of qualified women, as well as the setting of targets and ranking of candidates on party lists, were also cited as means for increasing women's participation. Further research was needed on electoral systems and ways and means of reforming the practice of political parties from a gender perspective.

58. Attention was drawn to the general recommendation prepared by the Committee on the Elimination of Discrimination against Women on articles 7 and 8 of the Convention on the Elimination of All Forms of Discrimination against Women, concerning women's role in public life, and to the importance of the Convention in strengthening women's rights overall.

59. Women's right to vote was considered to be a fundamental human right that women should exercise universally. Women's votes were increasingly serving as a means of influencing political activity and shaping political value systems, including approaches to peace-building and peacemaking, but much remained to be done in this area. Voter registration and education campaigns were cited as tools for increasing voting by women.

60. Women's participation in preventive diplomacy and negotiations at the peace table were considered essential to achieving peace and development and for

diverting military expenditures for peaceful purposes. It was suggested that decision-making processes, involving both women and men, including in situations of intrastate conflict, could help to create a more peaceful approach.

61. The importance of creating national machineries, inter-ministerial bodies, national committees and women's bureaux to ensure women's equal participation in all aspects of decision-making, with adequate levels of staffing and funding, and located at the centre of political power, was cited as critical. In addition, the mainstreaming of gender issues in institutions was noted as another means to promote the advancement of women in decision-making. The need for effective monitoring mechanisms was emphasized, with time-bound targets and measurable indicators to evaluate progress.

62. Ways and means of maintaining women in public office once elected or appointed were deemed extremely important. Gender-sensitive pressure groups were mentioned as an important tool for maintaining women in public office. In keeping women in power, greater harmonization between professional work and family responsibilities for both men and women was considered essential. Increasingly, parents were reluctant to forfeit time with their families. Greater sharing of parental and household responsibilities between women and men was deemed paramount. Recognition of women's unpaid work and the need for flexible working hours, for sharing of family responsibilities with men, and for women to participate in decision-making at the household level were also considered important.

63. The importance of education and training to enable women to have greater control over their lives was emphasized. Training for women candidates in the conduct of electoral campaigns and fund-raising had proved to be important for effecting the election of women to public office. Once in office, women often needed training in parliamentary procedures and budgetary matters. Leadership training was considered essential for women at all levels including the community level, including in rural areas.

64. Girls' and boys' education as a means of breaking down traditional stereotypes and promoting acceptance of diversity and women's right to participate in decision-making was emphasized. The revision of education curricula and textbooks remained an important means of eliminating gender-based stereotypes. Attitudinal change was considered especially important at the earliest stages of life when boys and girls had not yet internalized sex stereotypes.

65. The role of the media in perpetuating sex stereotypes was noted, as was the need to ensure a positive view of women and portrayal of girls in non-traditional roles. Continued stereotyping of women and their negative portrayal as sex objects on television and in films undermined the struggle for women's equality. The value of stimulating public debate on the diverse roles of women, particularly in public life and in the family, was emphasized. Despite the growing presence of professional women in the media, decisions about editorial content and production issues were still largely controlled by men.

66. An urgent need was identified for case studies on "women making a difference" and for the creation of a database to monitor women's participation in government, corporations, political parties, trade unions, international organizations and the military. The Internet was noted as a new means to disseminate and share gender statistics and information on women's leadership strategies, activities of national machineries for women's advancement,

affirmative action measures and other means for changing perceptions of women's role in public life.

Networking and building partnerships

67. Women needed to seek greater partnership with men and to build coalitions and strengthen alliances to advocate for women's political empowerment and representation. Mentoring, including for women by women, was cited as important. Women leaders and older women and men represented a valuable resource for mentoring young women as future leaders. Networks among women leaders in politics and in other areas had helped serve as a basis for expanding national and international coalitions. National and regional women's parliamentary caucuses should also include women from the private sector and the civil service. Specialized committees to promote gender issues and to sponsor legislation had also proved beneficial. The mainstreaming of "women's issues", such as social services, the environment, and accessible childcare, had led to their becoming issues of concern to society as a whole as a result of the increased presence of women in public policy-making.

68. International organizations, Governments, non-governmental organizations and women parliamentarians should join in partnership to support with funding the development of women leaders through training, so as to facilitate their entry into the political arena; and an enabling environment should be established for women's full participation and equal representation in power and political decision-making.

## Implementation of strategic objectives and action in the critical area of concern: women and the economy (agenda item 3 (c) (iii))

69. At the 6th meeting, on 12 March, the Commission held a panel discussion on women and the economy and heard presentations by the following experts: Mihye Roh, Vice-President, Korean Women's Development Institute; Nina A. Kaupova, Director of the Republican Research Centre of Maternal and Child Health Care and Chairman of the Republican Council of Women, Family and Demographic Policy Problems under the President of the Republic of Kazakstan; Bickley Townsend, Senior Vice President, New Ventures Catalyst; Mamounata Cissé, General Secretary, Organisation nationale des syndicats libres; Lin Lean Lim, Labour Market Policies Branch, International Labour Organization.

70. At the same meeting, the Commission held a dialogue among Governments, in which the following delegations participated: India, Finland, Israel, Dominican Republic, Kyrgyzstan, Ecuador, United States of America, Ghana, Chile and Namibia.

71. The observer for Palestine spoke.

72. The observers for six caucuses of non-governmental organizations also spoke.

73. The panellists responded to points raised.

74. At the 8th meeting, on 13 March, the Chairperson made a statement.

75. At the same meeting, the Commission held a dialogue among Governments, in which the following delegations participated: Philippines, Israel, China, Germany, Belgium, Canada, Nigeria, Netherlands (on behalf of the States Members of the United Nations that are members of the European Union), Norway, Japan,

Italy, France, Malaysia, Tunisia, Viet Nam, Zambia, United Republic of Tanzania, Islamic Republic of Iran, Portugal, Côte d'Ivoire, United States of America, Poland, Spain, Guinea and Mali.

## Moderator's summary of the panel discussion and dialogue on the critical area of concern: women and the economy

76. The Beijing Platform for Action, proposed actions for women as workers, self-employed women, entrepreneurs and managers. It examined the effects of economic policies and restructuring on women, women's access to economic decision-making, women's unpaid work, and the need to balance work and family responsibilities, as well as the importance of mainstreaming a gender perspective in economic policies and programmes.

### Women's participation in economic decision-making

77. While noting that women were involved in economic decision-making to some degree at various levels, it was stressed that actions needed to be taken to enable women to participate even more fully at all levels of economic decision-making, including the household level where experience had shown that women's decisions tended to contribute to the well-being of the household as a whole. Very few women were found in decision-making positions in international financial institutions, such as the World Bank and the International Monetary Fund (IMF), in the World Trade Organization or in transnational corporations. Nor were women well represented in economic decision-making at the national level, in academia, in banks or in private companies. Women were for the most part poorly represented in trade unions, chambers of commerce and industry associations. Their participation in such bodies was essential.

78. Legal instruments alone would not automatically lead to better representation of women in economic decision-making. Policy instruments to improve women's position in those sectors and levels of the economy where they were under-represented were required. Education, training and network-building were crucial to shaping women's and men's attitudes and expectations with respect to women's role in economic decision-making.

### Women entrepreneurs

79. Women-owned microenterprises and small and medium-sized enterprises had increasingly become a source of employment, growth and innovation. For example, women employers tended to recruit other women and were family-friendly. However, women entrepreneurs, notably in developing, developed and transition economies, faced serious constraints related to the legal and institutional framework in which they had to operate, as well as to the lack of training, support services and credit. A major challenge for women-owned enterprises was to access these services and to grow from microenterprises to small and medium-sized enterprises.

80. The importance of support services for women entrepreneurs in areas such as technical assistance, creation of networks, business planning and financial counselling was highlighted. Marketing techniques and access to markets were recognized as areas where women's business needed support for further growth.

81. Credit was considered a crucial requirement for women entrepreneurs. Where microfinancing schemes had been in existence for a long time, there was a high-payback record for women. Notably, since the adoption of the Beijing Platform for Action, an even stronger emphasis had been placed on credit as an instrument

for empowering women in the economy. Traditional savings schemes were also being used, especially by poor women, as an alternative to formal financial systems. There should be an effort to ensure that special credit and savings schemes for women did not lead to their further marginalization. The need for preferential treatment of women in the provision of credit and for simplifying procedures for access to credit was highlighted. The achievements of the Grameen Bank, which provides microcredit for a largely female clientele, were noted.

82. It was noted that women entrepreneurs had benefited from creating regional and international networks to expand markets and share experience.

### Women in rural areas

83. The economic situation of women living in rural areas was given special attention. There was a critical need to increase their productivity through, inter alia, the introduction of technology, including for the reduction of household chores. Men frequently controlled the intermediary distribution of products produced by women, limiting women's benefits from their own production.

84. More and more rural women were expressing the need for credit and information, but they often lacked the networks and access to information and credit. On the positive side, it was noted that, in some countries, land policies and property laws were being revised to women's benefit, and that a percentage of development assistance resources was being earmarked in some places to support credit schemes for rural women.

### Women in management

85. Breaking the glass ceiling that impeded women's access to top management positions and avoiding the "sticky floors" on the lower levels of the labour market were critical for the advancement of women and for the mainstreaming of a gender perspective. A critical mass of 30 per cent women in top management positions was considered crucial.

86. Equal-opportunity laws and existing International Labour Organization (ILO) standards for equality in employment were not sufficient to address gender discrimination in the labour market, especially at top decision-making levels. To increase women's participation in top management, a number of measures had been successful, including adoption of anti-discriminatory laws, introduction of changes in corporate practices, teaching aides for consciousness-raising, monitoring schemes and monitoring of employment practices. Commitment at the top was vital for changing the organizational culture and for placing women in management positions. Equal access to education, vocational training and enterprise-level training were important tools for qualifying women for top management positions.

87. Employers' organizations had played an important role in influencing attitudes and in making a business case for women in top management in some countries. Trade unions should also play a role by pushing for implementation and by monitoring legislation and equal-opportunity policies.

### Women in the labour force

88. Women's employment was central to the achievement of equality between women and men, and women's access to education played an important role in access to work opportunities. It was noted that empowering women in the labour force

could help in the empowerment of women in other spheres of life, including the household, provided that a balance between family and work could be achieved. Arrangements to facilitate the reconciliation of work and family responsibilities were urgently needed. Notably, where parental leave policies and flexible hours were available to both women and men, the situation had improved.

89. The unequal distribution between women and men of unpaid work was noted. The tendency for women to be employed in low-wage industries and the necessity of looking into the minimum-wage level were discussed. Better sharing of paid and unpaid work between women and men was required. While unpaid work was recognized as important by Governments, few efforts had been made to develop methodologies to measure such work, yet its measurement was necessary in order for society to recognize women's full contribution to the economy.

90. In most cases, the current challenge for policy makers, employers, trade unions and women workers was to achieve a balance between more jobs and more quality jobs in the labour market. It was noted that atypical forms of employment were leading to a growing feminization of poverty, especially among older women.

91. Concern was expressed regarding the efficiency of legislative tools, including equal-opportunity and non-discriminatory laws, in redressing gender discrimination in the labour market. Gender-neutral policies, such as equal employment opportunity laws, were not sufficient in this regard. Legislative tools needed to be accompanied by enforcement mechanisms and publicity generated about businesses that violated anti-discrimination laws. Special protective measures for women were seen to have both positive and adverse effects; in some countries protective measures for women were being abolished.

92. To overcome occupational segregation, many projects and programmes were being developed to broaden the fields studied by women. A strong focus was being given to education and training in technology as well as in new growth industries and sectors. Other measures such as fellowships and child-care arrangements had been promoted to facilitate women's access to academic institutions.

93. It was noted that occupational segregation contributed to the wage gap between women and men. In order to enforce the principle of equal pay for work of equal value, policies should include effective legislation, transparency of women's and men's wages, changing of stereotyped choices of women and men, and effective guidance for employers. Instruments were being developed to compare wages for female-dominated and male-dominated occupations. Schemes for work evaluation had been suggested to facilitate this process.

94. Transnational corporations applied double standards by implementing different equal-opportunity standards in wages and working conditions abroad from those supported in their own countries, largely to the detriment of women employees.

95. The role that non-governmental organizations played in monitoring working conditions for women and abuses in the labour market was stressed.

### Globalization and structural adjustment

96. While it was recognized that an enabling environment for women's participation in the economy was required at the national level, it was also

noted that the international level should not be overlooked because of its impact on women and the national economic situation.

97. The responsibility of Governments and international financial institutions to ensure that women were not disproportionately discriminated against in situations of structural change and economic recession was emphasized. Structural adjustment had increased the total amount of women's work and had reduced access to basic services and resources. Economic liberalization policies should be evaluated in relation to their impact on women, and global efforts were required to cancel or reduce the debt owed by developing countries. Structural adjustment policies and other economic policies were still being applied as if they were gender-neutral. The impact of structural adjustment policies on women in particular should be monitored and assessed.

98. The need for a regular and substantive dialogue between the United Nations, the Bretton Woods institutions and the World Trade Organization so as to coordinate assistance aimed at strengthening programmes for the benefit of women and their families was called for. Such coordination was especially important at the field level.

### Implementation of strategic objectives and action in the critical area of concern: education and training of women (agenda item 3 (c) (iv))

99. At the 9th meeting, on 14 March, the Chairperson made a statement.

100. At the same meeting, the Commission held a panel discussion and heard presentations by the following experts: Irene de la Caridad Rivera Ferreiro, Deputy Minister, Ministry of Education of Cuba; Valentina Ivanovna Matvienko, Member of the Board, Director of Liaison for the Federation, Parliament, and Public and Political Organizations, Ministry of Foreign Affairs of the Russian Federation; Aicha Bah Diallo, Director, Division of Basic Education, United Nations Educational, Scientific and Cultural Organization; Celia Eccher, Coordinator, Guidance and Education Programme, International Council for Adult Education.

101. Also at the same meeting, the Commission held a dialogue among Governments, in which the following delegations participated: Mexico, Thailand, China, Mali, Tunisia and Netherlands (on behalf of the States Members of the United Nations that are members of the European Union).

102. The observer for the European Community spoke.

103. The observers for four caucuses of non-governmental organizations spoke. The observers for Disabled Peoples International (also on behalf of World Blind Union), Community Action for the Rights of Children and Women and the International Federation of United Nations Associations also spoke.

104. The panellists responded to points raised.

105. At the 10th meeting, on 14 March, the Chairperson made a statement.

106. At the same meeting, the Commission held a dialogue among Governments, in which the following delegations participated: Togo, India, Norway, United States of America, Namibia, Israel, Burkina Faso, Angola, Guinea, Switzerland, Syrian Arab Republic, Costa Rica, Canada, Brazil, Ghana, Dominican Republic, Ecuador, Chile, Indonesia, France, Poland, Republic of Korea, Japan, Peru, Germany and Islamic Republic of Iran.

107. The panellists responded to points raised.

## Moderator's summary of the panel discussion and dialogue on education and training of women

108. The Beijing Platform for Action recognized the central role of education for the advancement of women and the numerous benefits yielded for development and the empowerment of women. Education and training were necessities for the full and equal participation of women at all levels of decision-making and in shaping the future of their communities.

109. Education was a constitutional right in many countries, but the full enjoyment of this right remained restricted for many citizens, in particular girls and women. To implement the World Declaration on Education for All and the Framework for Action to Meet Basic Learning Needs, adopted by the World Conference on Education for All (Jomtien, Thailand, 1990), mobilization of all for education was needed. In many countries, various initiatives, including at the highest political level, had been taken to reach those goals and implement commitments to education made at the Fourth World Conference on Women. To ensure equal access for all to education, a joint effort of Governments and society in general was considered a necessity from early childhood onwards. The essential role and responsibility of the State in providing access for all to quality education was confirmed. However, it was emphasized that in line with decentralization efforts, the role of regional and local institutions as well as of non-governmental organizations and the private sector had gained importance. While some requested an improvement in quality in public rather than private schools, maintaining free public education at the primary level, others favoured a more liberal policy environment with competition between the private and public sector. A new alignment between academia and non-governmental organizations would contribute to the type of action needed, based on mutual benefit and synergy. Important examples of successful networking at the national and regional levels were mentioned.

110. Women still accounted for the majority of the world's adult illiterates. These numbers had been steadily increasing owing to rapid population growth in some subregions. A strong plea was made for the eradication of illiteracy and the attainment of the goals defined in the Platform for Action; that is, reduction of the female illiteracy rate to at least half its 1990 level. Successful literacy campaigns were being carried out in many countries jointly by government and non-governmental organizations and with the active support of the media. As illiteracy and poverty were closely linked, successful literacy campaigns should include technical training and training for income-generation as well as information on health and citizenship.

111. It was acknowledged that general and basic education was fundamental and provided the foundation for further education and training. Completion by all children of high-quality primary and lower secondary schooling and the provision of remedial general education to adults, while not sufficient, would make a more lasting contribution to equalization than any policy measure concerning higher education or training alone.

112. A number of obstacles continued to discriminate against girls' access to education, such as customary attitudes, inadequate and gender-biased teaching and educational materials, sexual harassment and lack of adequate schooling facilities. As a result, girls in some subregions performed poorly, repeated grades frequently and had a higher drop-out rate than boys. It was reported

that the main reason for girls dropping out was their obligation to perform household duties, early marriages and early pregnancies.

113. In countries in transition, specific training and retraining of women and adaptation of training to the changing needs of the labour market were needed and considered essential for ensuring women's employability.

114. Girls and women in especially difficult circumstances and with special needs faced discrimination in terms of access to education and availability of training materials and support systems. A favourable learning environment that responded to special needs would enhance educational performance. It was noted that new technologies opened up new avenues for training students with disabilities.

115. To improve access and retention of girls in schools, a number of actions had been taken. The recruitment of more female teachers reduced the fear of sexual harassment and at the same time provided role models for girls. Programmes of open education or mobile schools had proved successful, especially in remote rural areas or for certain populations such as ethnic minorities or nomadic groups. In many developing countries, support mechanisms included the development of new technologies that eased the burden of household work of girls and women. The influence of parents, in particular mothers, on girls' education was recognized, and various initiatives had been taken to involve them in the process. School feeding programmes were another measure to improve the retention of girls in schools. Mentoring programmes provided girls with positive role models and enhanced their motivation and self-esteem. In some countries, provisions were in place to transfer pregnant schoolgirls to other schools where teachers had been sensitized so as to reduce drop-out rates. There was a strong plea to reinforce sports and physical education, especially for girls and women.

116. Gender analysis in education and training was a basis for further analysis, and comprehensive, innovative proposals for policy-making. The mainstreaming of gender concerns included the removal of bias from school materials and teacher training, the introduction of gender-sensitive educational materials at all levels, especially in mathematics, in science and technology and in the development of curricula; the advancement of gender studies; and the establishment of a post of gender ombudsman. It also included the promotion of more women into decision-making positions in educational institutions. Non-discriminatory education benefited both girls and boys and thus ultimately contributed to equality between women and men.

117. To be effective, vocational training of women had to be linked to the labour market, or women would continue to face constraints and unequal opportunities. Women's employability was the key to access to both employment and self-employment opportunities. Persistent job segregation originated in the educational choices of men and women as regards fields of study and specialization. Initiatives to bring women into non-traditional fields had had some success. A redesigned and up-to-date labour market information system was needed. More women should enter the expanding field of new information technology. To enable women to participate in training or retraining schemes, support systems, including child care, were needed.

118. Only a minority of women entered and succeeded in the field of science and technology. A number of initiatives had been taken to make such fields accessible to girls and women and to develop their creative potential. These initiatives included the development of specific projects for women, incentives

such as competitions and awards, scientific meetings, travelling exhibitions and the provision of science equipment for girls. Public recognition of and information on famous women scientists as potential role models would be beneficial. The necessity of enhancing the motivation of girls to continue higher education and to reach for positions in decision-making in the scientific field was stressed. Psycho-social factors played an important role in changing the attitude of girls and their parents towards such choices.

119. In a time of rapid change in knowledge, societal norms and technology, education and training by necessity became a lifelong process. For women, lifelong education was still a means to gain basic knowledge, including literacy, and for breaking the cycle of poverty. Lifelong learning included education for citizenship and democracy, legal literacy, access to information and informed choice of information. Distance learning and the use of new communication technologies in adult education benefited women, who often struggled against lack of mobility and time and financial constraints. The precondition for successful adult education was that women would recognize its value. Any form of adult education required a favourable or facilitating environment and should be developed in a participatory process involving all actors. The first steps had been taken in some countries to create a universally accessible lifelong education system with flexibility that would allow the transfer of transcripts from different establishments and recognition of credits and would hence benefit women greatly.

120. The trend to reduce educational budgets, which were also affected by increased demand due to population growth in many countries and structural adjustment measures, had a negative impact on educational systems, particularly for girls. More strategic planning of resources in the field of education was required, including sufficient allotments to primary education, as well as the reallocation of funds from other sectors, such as military spending, to education. In this respect, the 20/20 concept as accepted at the World Summit for Social Development and reinforced in the Platform for Action was recalled. The international community and international organizations were requested to support national initiatives and implementation of the targets set in the Platform for Action, including the agreed target of 0.7 per cent of the gross national product of developed countries for overall official development assistance.

121. At the 16th meeting, on 21 March, the Commission approved the proposal of the Chairperson to include the following statement in its report:

> "The Commission held four panel meetings with invited experts followed by dialogues with the panellists and among Governments (11-14 March 1997) related to item 3 (c) (Follow-up to the Fourth World Conference on Women: implementation of strategic objectives and action in the critical areas of concern).
>
> "The principal elements emerging from the discussions were summarized by the moderators of the four panels, that is, the Chairperson and the Vice-Chairpersons of the Commission. These texts were presented to the members of the Commission and comments were received from various delegations that were not accommodated in the summary. However, the texts were not negotiated nor were they adopted by the Commission."

## ACTION TAKEN BY THE COMMISSION

### Release of women and children taken hostage in armed conflicts, including those subsequently imprisoned

122. At the 14th meeting, on 20 March, the observer for Azerbaijan,[1] on behalf of Angola, Argentina,[1] Azerbaijan,[1] Bangladesh,[1] Bosnia and Herzegovina,[1] Costa Rica, the Dominican Republic, Ecuador, Georgia,[1] Guatemala,[1] the Islamic Republic of Iran, Kazakstan,[1] Kyrgyzstan,[1] Malaysia, Mali, Namibia, Pakistan,[1] South Africa,[1] Tajikistan,[1] Tunisia, Turkey,[1] Turkmenistan,[1] the United Republic of Tanzania[1] and Uzbekistan,[1] introduced a draft resolution (E/CN.6/1997/L.5) entitled "Release of women and children taken hostage in armed conflicts and imprisoned". In introducing the draft resolution, the observer of Azerbaijan orally revised it as follows:

(a) In the title, the words "and imprisoned" were replaced by the words "including those subsequently imprisoned";

(b) In operative paragraph 1, the word "such" after the words "immediate release of" was deleted and the words "including those subsequently imprisoned, in armed conflict" were added at the end of the paragraph;

(c) In operative paragraph 2, the word "these" was inserted after the words "protection of" and the words "for the immediate release of women and children taken hostage" were replaced by the words "for their immediate release";

(d) In operative paragraph 3, the words "assistance for women and children taken hostage in areas of armed conflict" were replaced by the words "assistance for these women and children";

(e) In operative paragraph 4, the words "release of all women and children taken hostage in area of armed conflict and urges all States to use their influence to this end" were replaced by the words "release of these women and children";

(f) In operative paragraph 5, the word "Member" before the word "States" was deleted.

123. Subsequently, Botswana,[1] Côte d'Ivoire,[1] Haiti,[1] Iraq,[1] Jordan,[1] Swaziland and Venezuela[1] joined in sponsoring the draft resolution, as orally revised.

124. At the 15th meeting, on 21 March, the Commission adopted the draft resolution, as orally revised (see chap. I, sect. C, Commission resolution 41/1).

### Older women, human rights and development

125. At the 14th meeting, on 20 March, the observer for the United Republic of Tanzania,[1] on behalf of the States Members of the United Nations that are members of the Group of 77 and China, introduced a draft resolution (E/CN.6/1997/L.6) entitled "Older women, human rights and development" and orally revised it as follows:

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[1] In accordance with rule 69 of the rules of procedure of the functional commissions of the Economic and Social Council.

(a) In the sixth preambular paragraph, the word "particularly" was inserted before the words "in developing countries";

(b) Operative paragraph 2, which read:

> "Recommends that the Commission, which has been assigned a central role in monitoring the mainstreaming of a gender perspective in all policies and programmes within the United Nations system, should ensure that the contributions and needs of women of all ages, including those of older women, are taken into account",

was replaced by the following text:

> "Decides to ensure that the contributions and needs of women of all ages, including those of older women, are taken into account when monitoring the mainstreaming of a gender perspective in all policies and programmes within the United Nations system";

(c) In operative paragraph 10, the words "prepare a" were deleted after the words "Requests the Secretary-General to".

126. Subsequently, Germany, Israel,[1] Japan and the United States of America joined in sponsoring the draft resolution, as orally revised.

127. At the 15th meeting, on 21 March, the Commission adopted the draft resolution, as orally revised (see chap. I, sect. C, Commission resolution 41/2).

128. Before the draft resolution was adopted, the observer for the United Republic of Tanzania made a statement.

Palestinian women

129. At the 14th meeting, on 20 March, the observer for the United Republic of Tanzania,[1] on behalf of the States Members of the United Nations that are members of the Group of 77 and China, introduced a draft resolution (E/CN.6/1997/L.7) entitled "Palestinian women".

130. At the 15th meeting, on 21 March, the Commission adopted the draft resolution by a recorded vote of 38 to 1, with 3 abstentions (see chap. I, sect. A, draft resolution I). The voting was as follows:[2]

In favour: Angola, Bahamas, Belgium, Brazil, Bulgaria, Chile, China, Costa Rica, Cyprus, Dominican Republic, Ecuador, Ethiopia, France, Germany, Greece, Guinea, India, Indonesia, Iran (Islamic Republic of), Japan, Libyan Arab Jamahiriya, Malaysia, Mali, Mexico, Morocco, Namibia, Paraguay, Philippines, Poland, Portugal, Republic of Korea, Russian Federation, Slovakia, Swaziland, Thailand, Togo, Tunisia, United Kingdom of Great Britain and Northern Ireland.

Against: United States of America.

Abstaining: Congo, Lebanon, Norway.

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[2] The delegation of Ghana subsequently indicated that it had intended to vote in favour of the draft resolution.

131. Before the draft resolution was adopted, statements were made by the representative of the United States of America and the observer for Israel; after it was adopted, statements were made by the representatives of Lebanon, Norway and Costa Rica and the observer for the Syrian Arab Republic. The observer for Palestine also made a statement.

## Humanitarian assistance: mainstreaming a gender perspective

132. At the 14th meeting, on 20 March, the representative of the United States of America introduced a draft resolution (E/CN.6/1997/L.9) entitled "Humanitarian assistance: mainstreaming a gender perspective", which read as follows:

> "The Commission on the Status of Women,
>
> "Guided by the principles of the Charter of the United Nations and the Universal Declaration of Human Rights, including the principle of equal rights of men and women,
>
> "Reaffirming that human rights are women's rights and women's rights are human rights,
>
> "Reaffirming also the equal right of women and men and girls and boys to participate fully in political and economic life, including their equal right to pursue educational, employment and other opportunities,
>
> "Reaffirming further the United Nations system-wide policy on gender equality,
>
> "Recognizing the importance of women in all phases of development and humanitarian assistance, such as education, health care and food distribution,
>
> "1. Requests the Secretary-General to ensure that the United Nations, including all its subsidiary bodies and agencies, designs and implements its programmes and assistance without discrimination against women, in accordance with the Charter of the United Nations, international human rights law, and other principles relevant to the advancement of women;
>
> "2. Also requests the Secretary-General to ensure that all United Nations-assisted programmes are formulated in such a way as to promote the full participation of women in all aspects of those programmes, including design, management, implementation, monitoring and evaluation, as well as increase the number of female beneficiaries and participants;
>
> "3. Further requests the Secretary-General to report to the Commission on the Status of Women at its forty-second session on the delivery of humanitarian assistance from a gender perspective."

133. At the 15th meeting, on 21 March, the representative of the United States of America withdrew the draft resolution.

## Mainstreaming a gender perspective into all policies and programmes in the United Nations system

134. At the 14th meeting, on 20 March, the observer for Canada,[1] also on behalf of Australia[1] and New Zealand,[1] introduced a draft resolution (E/CN.6/1997/L.14) entitled "Mainstreaming a gender perspective into all policies and programmes in the United Nations system", which read as follows:

> "The Commission on the Status of Women,
>
> "Recalling General Assembly resolution 50/203 of 22 December 1995 and 51/69 of 12 December 1996,
>
> "Recalling Economic and Social Council resolution 1996/6, in which the Council decided that the Commission on the Status of Women would have a catalytic role in mainstreaming a gender perspective in policies and programmes and would identify issues where United Nations system-wide coordination needed to be improved in order to assist the Council in its coordination function,
>
> "Emphasizing the need for full implementation of the system-wide medium-term plan for the advancement of women, 1996-2001,
>
> "Welcoming the note by the Secretary-General on agreed conclusions 1996/1 adopted by the Economic and Social Council on coordination of United Nations system activities for poverty eradication, in particular its emphasis on the mainstreaming of a gender perspective in United Nations activities for poverty eradication,
>
> "Having considered the question of mainstreaming in organizations of the United Nations system and the statement in the report of the Secretary-General that comments from the Commission on the Status of Women on mainstreaming would provide valuable input into the preparation of the report requested for the Economic and Social Council at its coordination segment in 1997,
>
> "1. Reaffirms that mainstreaming a gender perspective is integral to the empowerment of women and to achieving gender equality;
>
> "2. Welcomes the reports of the Secretary-General on the follow-up to the Fourth World Conference on Women, which underscore the importance of implementing the commitments to mainstream a gender perspective by translating the concept into practical action and, in this regard, notes the steps involved in mainstreaming a gender perspective into programming and policy-making;
>
> "3. Also welcomes the efforts to increase cooperation between the Division for the Advancement of Women and other parts of the United Nations system in such areas as peacekeeping and humanitarian affairs and the results already achieved with respect to the Commission on Sustainable Development and the special session of the General Assembly to review and appraise the implementation of Agenda 21, as well as the United Nations Conference on Human Settlements (Habitat II) and the World Food Summit;
>
> "4. Welcomes the initial sessions of the Inter-Agency Committee on Women and Gender Equality and the importance of its work in regularly monitoring progress made in incorporating a gender perspective in

institutional structures, policies and programming and in integrated Conference follow-up;

"5. Stresses that particular attention should be paid to the need to intensify cooperation and coordination efforts to ensure that the equal status and human rights of all women and the girl child are integrated in United Nations system-wide activities, as well as to the means of achieving this, as noted in Commission on the Status of Women resolution 40/3 and Commission on Human Rights resolution 1996/48 in particular, and in view of the critical areas of concern to be discussed by the Commission on the Status of Women at its forty-second session, the need to ensure that the reports of the Special Rapporteur on violence against women, its causes and consequences are brought to the attention of the Commission on the Status of Women;

"6. Reiterates the importance of inter-secretariat linkages such as the joint work plan of the Division for the Advancement of Women and the Centre for Human Rights and the need for this plan to be considered fully by the Commission on Human Rights;

"7. Stresses the need for steps to be taken to integrate a gender perspective into human rights activities and programmes, bearing in mind the guidelines contained in the report of the expert group meeting on the development of guidelines for the integration of a gender perspective into human rights activities and programmes, including reporting under international human rights instruments and mechanisms and in the preparations for the five-year review of the Vienna Declaration and Programme of Action and the commemoration of the fiftieth anniversary of the Universal Declaration of Human Rights;

"8. Requests the Secretariat, in the context of its review of the system-wide medium-term plan for the advancement of women in 1998, to give specific attention to mainstreaming;

"9. Recalls that the Committee for Programme and Coordination agreed to ensure, in its examination of the medium-term plan for the period 1998-2001, that the mainstreaming of a gender perspective was reflected in the individual programmes of the medium-term plan;

"10. Emphasizes that the implementation of the Platform for Action requires the mainstreaming of a gender perspective into all policies and programmes in the United Nations system, and in this regard notes with appreciation the conclusion of the Inter-Agency Committee that mainstreaming is a responsibility of the United Nations system as a whole and of all staff in all policy and programme areas and in decision-making;

"11. Encourages the Economic and Social Council:

"(a) To assess the achievements made and obstacles encountered in mainstreaming a gender perspective at the intergovernmental level, including the General Assembly, the Economic and Social Council, the regional commissions and the functional commissions, in the United Nations system, including the Secretariat, and in all operational activities, including at the field level;

"(b) To suggest practical tools and methodologies for monitoring regularly progress in mainstreaming, especially at senior levels, through, inter alia, performance indicators, mechanisms for accountability, impact analysis and identification of best practices;

"(c) To stress the importance of strengthening expertise on gender issues generally and in specialized areas, through assessment of the impact of training;

"(d) To stress the need to draw on the considerable experience and expertise which exists within the Division for the Advancement of Women and other gender units/focal points to provide advice and encourage efforts to develop and enhance cooperation and linkages between these units and other parts of the system, including within the Inter-Agency Committee, in order to broaden responsibility for the implementation of mainstreaming;

"(e) To call upon United Nations departments and bodies, in the context of preparation of the programme budget for the period 1998-1999, to mainstream gender perspectives into their programmes in line with the recommendations of the Platform for Action, and to identify clearly those activities that are necessary to achieve that objective;

"(f) To call for sufficient human and financial resources within the regular budget of the United Nations, including resources for the Division for the Advancement of Women, in order to carry out all tasks foreseen in the Platform for Action, as requested by the General Assembly in its resolution 50/203;

"12. Requests the Secretary-General to report on the implementation of the present resolution."

135. At the 16th meeting, on 21 March, the Commission had before it an informal paper containing a draft resolution entitled "Mainstreaming of gender perspectives into all policies and programmes in the United Nations system", which was submitted by the Chairperson on the basis of informal consultations held on draft resolution E/CN.6/1997/L.14.

136. A statement was made by the observer for Canada.

137. At the same meeting, the Commission adopted the draft resolution contained in the informal paper (see chap. I, sect. C, Commission resolution 41/6).

138. In the light of the adoption of the draft resolution submitted by the Chairperson, draft resolution E/CN.6/1997/L.14 was withdrawn by the sponsors.

## Violence against women migrant workers

139. At the 14th meeting, on 20 March, the representative of the Philippines, on behalf of Bangladesh,[1] Costa Rica, the Dominican Republic, Namibia, Paraguay and the Philippines, introduced a draft resolution (E/CN.6/1997/L.10) entitled "Violence against women migrant workers", which read as follows:

"The Commission on the Status of Women,

"Bearing in mind the Charter of the United Nations, which reaffirms faith in human rights and fundamental freedoms, in the dignity and worth of the human person, and in the equal rights of women and men, "Reaffirming the principles set forth in the Universal Declaration of Human Rights, and the Convention on the Elimination of All Forms of Discrimination against Women,

"Reaffirming also General Assembly resolutions 47/96 of 16 December 1992, 48/110 of 20 December 1993, 49/165 of 23 December 1994, 50/168 of 22 December 1995 and 51/65 of 12 December 1996 and Commission on the Status of Women resolutions 38/7 of 18 March 1994, 39/7 of 31 March 1995 and 40/6 of 22 March 1996, as well as the Declaration on the Elimination of Violence against Women adopted by the General Assembly at its forty-eighth session,

"Recalling the conclusions and recommendations made by recent international conferences, including the World Conference on Human Rights, held in Vienna in June 1993, the International Conference on Population and Development, held in Cairo in September 1994, the World Summit for Social Development, held in Copenhagen in March 1995, and the Fourth World Conference on Women, held in Beijing in September 1995, on the promotion and protection of the rights and fundamental freedoms of women, in particular women migrant workers,

"Acknowledging the valuable contribution made by concerned intergovernmental and non-governmental organizations to the promotion and protection of the rights and fundamental freedoms of women migrant workers,

"Noting the large numbers of women from developing countries and from some countries with economies in transition who continue to venture forth to more affluent countries in search of a living for themselves and their families, as a consequence of poverty, unemployment and other socio-economic conditions,

"Recognizing that it is the duty of sending countries to protect and promote the interests of their citizens who seek or receive employment in other countries, to provide them with appropriate training/education and to apprise them of their rights and obligations in the countries of employment,

"Aware of the moral obligations of receiving or host countries to ensure the human rights and fundamental freedoms of all persons within their boundaries, including women migrant workers, who are doubly vulnerable because of their gender and their being foreigners,

"Noting the measures adopted by some receiving States to alleviate the plight of women migrant workers residing within their areas of jurisdiction,

"Noting with concern, however, the continuing reports of grave abuses and acts of violence committed against women migrant workers by some of their employers in some host countries,

"Stressing that acts of violence directed against women impair or nullify women's enjoyment of their human rights and fundamental freedoms,

"Recalling the decision of the Commission at its fortieth session to consider as part of its work programme for 1998 the issues of women's human rights, violence against women, women in armed conflicts, and the girl child, in line with the implementation of the Beijing Platform for Action,

> "1. Welcomes the convening of the United Nations Expert Group Meeting on Violence against Women Migrant Workers in Manila, from 27 to 31 May 1996;
>
> "2. Decides to consider the report of the Expert Group Meeting, as well as the reports/recommendations of the Special Rapporteur of the Commission on Human Rights on Violence against Women, the Subcommission on Prevention of Discrimination and Protection of Minorities, including its Working Group on Contemporary Forms of Slavery, concerned agencies and bodies of the United Nations system and relevant intergovernmental and non-governmental organizations on the issue of violence against women migrant workers, at its forty-second session, in 1998, and to submit its report and recommendations thereon to the General Assembly at its fifty-third session."

140. In introducing the draft resolution, the representative of the Philippines orally revised it.

141. Subsequently, Ecuador, Morocco, Indonesia and Sri Lanka[1] joined in sponsoring the draft resolution, as orally revised.

142. At the 15th meeting, on 21 March, the Commission adopted the draft resolution, as orally revised (see chap. I, sect. C, Commission resolution 41/4).

143. Before the draft resolution was adopted, statements were made by the representative of the Philippines and the observer for Singapore.

### Traffic in women and girls

144. At the 14th meeting, on 20 March, the representative of the Philippines, on behalf of Bangladesh,[1] Costa Rica, the Dominican Republic, Mongolia,[1] Namibia, Paraguay, the Philippines and South Africa,[1] introduced a draft resolution (E/CN.6/1997/L.11) entitled "Traffic in women and girls". Subsequently, Angola, Argentina,[1] Belgium, Brazil, Bulgaria, Chile, Cyprus, Ecuador, France, Germany, Ghana, Greece, Guatemala,[1] Guinea, Indonesia, Italy,[1] Kyrgyzstan,[1] Malaysia, Morocco, Poland, Portugal, the Republic of Korea, the Republic of Moldova,[1] Romania,[1] Thailand, Togo, the United States of America, Venezuela[1] and Viet Nam[1] joined in sponsoring the draft resolution, which read as follows:

> "The Commission on the Status of Women,
>
> "Reaffirming its faith in fundamental human rights, in the dignity and worth of the human person and in the equal rights of men and women, enshrined in the Charter of the United Nations, as well as the principles set forth in the Universal Declaration of Human Rights, the Convention on the Elimination of All Forms of Discrimination against Women, the International Covenants on Human Rights, the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, the Convention for the Suppression of the Traffic in Persons and of the Exploitation of the Prostitution of Others, the Convention on the Rights of the Child and the Declaration on the Elimination of Violence against Women,
>
> "Recalling its resolution 40/4 of 22 March 1996, General Assembly resolution 51/66 of 12 December 1996 and the Commission on Human Rights resolution 1996/24 of 19 April 1996, as well as all previous resolutions adopted by these three bodies on the subject of traffic in women and girls,

"Recalling also and concurring with the conclusions of and recommendations made by recent international conferences on the human rights of women and girl children, in particular with respect to the violation of those rights through sexual and economic exploitation for the profit of recruiters, traffickers and crime syndicates, as well as other illegal activities related to trafficking, such as forced domestic labour, false marriages, child marriages, clandestine employment and false adoption,

"Recalling further the Programme of Action of the International Conference on Population and Development, which, inter alia, called upon all Governments to prevent all international trafficking in migrants, especially for the purpose of prostitution, and for the adoption by Governments of both receiving countries and countries of origin of effective sanctions against those who organize undocumented migration, exploit undocumented migrants or engage in trafficking in undocumented migrants, especially those who engage in any form of international trafficking in women and girl children,

"Acknowledging that the problem of trafficking also victimizes young boys,

"Welcoming the convening of the World Congress against Commercial Sexual Exploitation of Children at Stockholm from 27 to 31 August 1996 and other conferences on trafficking in women and children for sexual exploitation,

"Noting with satisfaction the commemoration of the International Day for the Abolition of Slavery on 6 December 1996 at a plenary meeting of the General Assembly devoted to the discussion of the problem of trafficking in human persons, with the participation of a victim of trafficking,

"Realizing the urgent need for the adoption of effective measures at the national, regional and international levels to protect women and girl children from this nefarious traffic,

"Recognizing that trafficking in women and girl children is inseparable from other forms of sexual exploitation, including sex tourism, pornography, bride markets and prostitution,

"1. Expresses serious concern about the unabating traffic in women and girl children and the misuse of advanced information technology for pornography and trafficking purposes;

"2. Calls for the acceleration of the implementation of the Platform for Action of the Fourth World Conference on Women by Governments of countries of origin, transit and destination and regional and international organizations, as appropriate, by:

"(a) Considering the ratification and enforcement of international conventions of trafficking in persons and on slavery;

"(b) Taking appropriate measures to address the root factors, including external forces, that encourage trafficking in women and girls for prostitution and other forms of commercialized sex, forced marriages and forced labour in order to eliminate trafficking in women, including by strengthening existing legislation with a view to providing better protection of the rights of women and girls and to punish the perpetrators, including customers, through both criminal and civil measures;

"(c) Stepping up cooperation and concerted action by all relevant law enforcement authorities and institutions with a view to dismantling national, regional and international networks in trafficking;

"(d) Allocating resources to provide comprehensive programmes designed to heal and rehabilitate into society victims of trafficking, including through job training and the provision of legal assistance and confidential health care, as well as by taking measures to cooperate with non-governmental organizations to provide for the social, medical and psychological care of the victims of trafficking;

"(e) Developing educational and training programmes and policies and considering enacting legislation aimed at preventing sex tourism and trafficking, and all forms of sexual exploitation, giving special emphasis to the protection of young women and children;

"3. Calls upon Governments to take all appropriate measures, including legislation, to suppress all forms of traffic in women and exploitation of the prostitution of women;

"4. Encourages Governments, relevant organizations and bodies of the United Nations system, intergovernmental organizations and non-governmental organizations to cooperate with one another so as to facilitate the development of anti-trafficking measures and to encourage wider public awareness of the problem;

"5. Calls upon all Governments to take appropriate measures to prevent misuse and exploitation by traffickers of such economic activities as the development of tourism and the export of labour and the use of information technology, including cyberspace;

"6. Encourages the Special Rapporteur of the Commission on Human Rights on violence against women and the Special Rapporteur of the Commission on Human Rights on the sale of children, child prostitution and child pornography, as well as the Working Group on Contemporary Forms of Slavery of the Subcommission on Prevention of Discrimination and Protection of Minorities, to continue to pay special attention to the problem of trafficking in women and girl children, and to submit a report thereon to the Commission on the Status of Women at its forty-second session;

"7. Encourages the Commission on Crime Prevention and Criminal Justice to continue to consider the problem of trafficking in human persons in the context of its discussion on the question of organized transnational crime;

"8. Welcomes the proposal contained in General Assembly resolution 51/120 of 12 December 1996 for the elaboration of an international convention against organized transnational crime;

"9. Supports the work of the working group of the Commission on Human Rights on the elaboration of a draft optional protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography, and expresses the hope that the working group will make further progress prior to the fifty-third session of the Commission with a view to finalizing this work;

"10. Encourages the holding of an international conference on trafficking and all forms of sexual exploitation;

"11. Decides to remain seized of this matter and to examine at its forty-second session the reports of the Special Rapporteurs and relevant organizations and bodies, with a view to making appropriate recommendations to the General Assembly at its fifty-second session through the Economic and Social Council at its substantive session of 1997."

145. At the 15th meeting, on 21 March, the representative of the Philippines orally revised the draft resolution.

146. At the same meeting, the Commission adopted the draft resolution, as orally revised (see chap. I, sect. C, Commission resolution 41/5).

Follow-up to the Fourth World Conference on Women

147. At the 15th meeting, on 21 March, the Commission had before it a draft decision (E/CN.6/1997/L.16) entitled "Follow-up to the Fourth World Conference on Women", submitted by the Chairperson.

148. At the same meeting, the Chairperson orally revised the draft decision as follows:

(a) In subparagraph (a), the phrase "in order to deal with the increasing number of States parties' reports submitted under article 18 of the Convention" was deleted at the end of the paragraph;

(b) In subparagraph (b), the word "increased" between the word "provide" and "substantive support" was deleted;

(c) Subparagraph (c), which read:

> "The Commission supports the increased efforts by the Division for the Advancement of Women to contribute actively to mainstreaming the human rights of women within the general human rights activities of the United Nations, and the increased cooperation between the Division and the Centre for Human Rights for that purpose, as shown in the joint programme of work presented for 1997, and underlines the importance of devoting a portion of the resources for technical assistance available to the Centre to mainstreaming women's human rights, in cooperation with the Division",

was replaced by the following text:

> "The Commission supports the increased efforts by the Division for the Advancement of Women to contribute actively to mainstreaming a gender perspective in all activities, programmes and policies of the United Nations and supports the increased cooperation between the Division, the functional commissions of the Economic and Social Council and United Nations bodies and agencies, including the Centre for Human Rights, as described in the joint work programme presented for 1997".

149. The Commission then adopted the draft decision, as orally revised (see chap. I, sect. C, Commission decision 41/101).

## Functional commissions

150. At the 15th meeting, on 21 March, the Commission had before it a draft decision (E/CN.6/1997/L.18) entitled "Functional commissions", submitted by the Chairperson.

151. At the same meeting the Commission adopted the draft decision (see chap. I, sect. B, draft decision II).

## Women and the environment

152. At its 16th meeting, on 21 March, the Commission had before it draft agreed conclusions (E/CN.6/1997/L.3/Rev.1) on women and the environment, submitted by the Chairperson.

153. At the same meeting, the Chairperson informed the Commission of revisions to the text, agreed upon during informal consultations.

154. The Commission then adopted the draft agreed conclusions, as orally revised, and decided to bring them to the attention of the Economic and Social Council.

155. Also, at the 16th meeting, the representative of Zambia moved, under rule 55 of the rules of procedure of the functional commissions of the Economic and Social Council, that the Commission reconsider the draft agreed conclusions, as orally revised.

156. The representatives of the Libyan Arab Jamahiriya and Morocco opposed the motion, which was then put to the vote.

157. The motion was carried by 19 votes to 11, with 6 abstentions. The voting was as follows:

| | |
|---|---|
| In favour: | Angola, Belgium, Brazil, Chile, Costa Rica, Ecuador, France, Germany, Ghana, Greece, Kenya, Mexico, Namibia, Norway, Paraguay, Portugal, Swaziland, United Kingdom of Great Britain and Northern Ireland, United States of America. |
| Against: | Indonesia, Iran (Islamic Republic of), Libyan Arab Jamahiriya, Malaysia, Morocco, Peru,[3] Philippines, Poland, Republic of Korea, Thailand, Tunisia. |
| Abstaining: | Bulgaria, Cyprus, India, Japan, Russian Federation, Slovakia. |

158. Statements were made by the representatives of the Islamic Republic of Iran, the United States of America, Bulgaria and Namibia and the observers for South Africa, Nigeria and the Netherlands (on behalf of the States Members of the United Nations that are members of the European Union).

159. The representative of Bulgaria requested the suspension of the meeting.

160. Following the suspension of the meeting, the Chairperson orally revised paragraph 24 of the draft agreed conclusions.

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[3] The delegation of Peru subsequently indicated that its vote on the motion should have been recorded as being in favour and not against.

161. The Commission then adopted the draft agreed conclusions (E/CN.6/1997/L.3/Rev.1), as further orally revised, and decided to bring them to the attention of the Economic and Social Council (see chap. I, sect. C, agreed conclusions 1997/1).

Women in power and decision-making

162. At its 16th meeting, on 21 March, the Commission had before it draft agreed conclusions (E/CN.6/1997/L.4) on women in power and decision-making, submitted by the Vice-Chairperson of the Commission, Ljudmila Boskova (Bulgaria), who also reported on the outcome of informal consultations.

163. At the same meeting, the Secretary read out revisions to the text, agreed upon during the informal consultations.

164. Also at the same meeting, the Commission adopted the draft agreed conclusions, as orally revised, and decided to bring them to the attention of the Economic and Social Council.

165. After the draft agreed conclusions were adopted, the observer for the Netherlands, on behalf of the States Members of the United Nations that are members of the European Union, made a statement.

166. Also at the 16th meeting, the Commission decided, under rule 55 of the rules of procedure of the functional commissions of the Economic and Social Council, to reconsider the draft agreed conclusions, as orally revised.

167. The Deputy Director of the Division for the Advancement of Women read out corrections to the text.

168. The Commission then adopted the draft agreed conclusions (E/CN.6/1997/L.4), as orally revised and corrected, and decided to bring them to the attention of the Economic and Social Council (see chap. I, sect. C, agreed conclusions 1997/2).

Women and the economy

169. At its 16th meeting, on 21 March, the Commission had before it draft agreed conclusions (E/CN.6/1997/L.12/Rev.1) on women and the economy, submitted by the Vice-Chairperson of the Commission, Eva Hildrum (Norway), who also informed the Commission of revisions to the text, agreed upon during informal consultations.

170. The Commission then adopted the draft agreed conclusions (E/CN.6/1997/L.12/Rev.1), as orally revised, and decided to bring them to the attention of the Economic and Social Council (see chap. I, sect. C, agreed conclusions 1997/3).

171. Before the adoption of the draft agreed conclusions, statements were made by the representatives of Chile and the Libyan Arab Jamahiriya and the observers for the Netherlands (on behalf of the States Members of the United Nations that are members of the European Union), Canada and Spain. The Vice-Chairperson, Ms. Hildrum (Norway), also made a statement.

## Education and training of women

172. At its 16th meeting, on 21 March, the Commission had before it draft agreed conclusions (E/CN.6/1997/L.13/Rev.1) on the education and training of women, submitted by the Vice-Chairperson, Zakia Amara Bouaziz (Tunisia), who also informed the Commission of revisions to the text, agreed upon during informal consultations.

173. At the same meeting, statements were made by the observers for the Netherlands (on behalf of the States Members of the United Nations that are members of the European Union) and the United Republic of Tanzania (on behalf of the States Members of the United Nations that are members of the Group of 77), who also proposed an amendment to the text.

174. The Vice-Chairperson of the Commission, Ms. Bouaziz (Tunisia), also made a statement.

175. The Commission then adopted the draft agreed conclusions (E/CN.6/1997/L.13/Rev.1), as orally revised and amended, and decided to bring them to the attention of the Economic and Social Council (see chap. I, sect. C, agreed conclusions 1997/4).

## Agreed conclusions on the critical areas of concern

176. At the 16th meeting, on 21 March, the Commission had before it a draft resolution (E/CN.6/1997/L.19) entitled "Agreed conclusions on the critical areas of concern", submitted by the Chairperson, who also informed the Commission of revisions to the text, agreed upon during informal consultations.

177. At the same meeting the Commission adopted the draft resolution, as orally revised (see chap. I, sect. A, draft resolution II).

## Follow-up to agreed conclusions 1996/1 of the Economic and Social Council

178. At its 15th meeting, on 21 March, the Commission agreed to include in its report the text submitted by the Chairperson on the follow-up to agreed conclusions 1996/1 of the Economic and Social Council (E/CN.6/1997/L.17). The text, as orally revised by the Chairperson, is as follows:

> "The Commission on the Status of Women welcomes agreed conclusions 1996/1 of the Economic and Social Council on the coordination of United Nations system activities for poverty eradication. The agreed conclusions provide a framework for ensuring coordination of the multi-year work programmes of functional commissions and a better division of labour among them with a view to promoting a coordinated and integrated follow-up to major United Nations conferences. The Commission on the Status of Women wishes to inform the Council of the following measures that it will adopt in order to implement agreed conclusions 1996/1:
>
> "(a) The Commission on the Status of Women considered the theme 'Poverty eradication' at its fortieth session, in 1996. In accordance with its multi-year work programme, issues relating to poverty eradication will also be considered in 1998 within the framework of the review of the synthesis report of national action plans and of the mid-term review of the system-wide medium-term plan for the advancement of women, 1996-2001. In this way, the Commission can provide an input to the overall review of the theme of poverty eradication to be undertaken by the Council;

"(b) The Commission on the Status of Women, at its forty-first session, adopted agreed conclusions on the theme 'Women and the environment'. Those agreed conclusions will be transmitted to the Commission on Sustainable Development as a contribution to the review of the implementation of Agenda 21;

"(c) The Commission on the Status of Women has a special responsibility to promote the mainstreaming of a gender perspective into the process of review of the implementation of the results of major United Nations conferences in the economic, social and related fields, including in the areas of poverty eradication. The Chairperson of the Commission on the Status of Women will contact the chairpersons of other functional commissions of the Council with responsibility for the follow-up of United Nations conferences, with a view to considering ways and means to cooperate in reviewing the implementation of the Beijing Platform for Action in areas falling under the mandate of other functional commissions, and to coordinate mutual inputs to discussions by the various functional commissions of priority topics, as appropriate. The Secretariat will bring to the attention of other functional commissions relevant decisions of the Commission on the Status of Women;

"(d) The Commission on the Status of Women will undertake in 1998 an overall review of the theme 'Human rights of women'. In accordance with paragraph 45 of agreed conclusions 1996/1, the Commission on Human Rights should consider providing an input to the Commission on the Status of women on ensuring women's real enjoyment of their human rights, in particular those relating to alleviation of women's poverty, economic development and economic resources. With a view to facilitating interaction between the two Commissions, the Secretariat is invited to submit a report on this subject to both the Commission on the Status of Women and the Commission on Human Rights, in cooperation with the Centre for Human Rights and the Division for the Advancement of Women of the United Nations Secretariat. The Chairperson of the Commission on the Status of Women will contact the Chairperson of the Commission on Human Rights with a view to examining the best way to ensure cooperation in the review of the theme 'Human rights of women';

"(e) The Commission on the Status of Women adopted agreed conclusions on the theme 'Education and training of women' at its forty-first session, and will review the theme 'Women and health' in 1999. The agreed conclusions adopted by the Commission on the Status of Women on those two subjects can be transmitted, as appropriate, to the Commission for Social Development, which will consider issues related to social services at its session in 1999, and to the Commission on Population and Development, which will consider the review and appraisal of the implementation of the Programme of Action of the International Conference on Population and Development at its session in 1999. The Chairperson of the Commission on the Status of Women will contact the President of the Council and the chairpersons of the commissions mentioned in paragraph 57 of agreed conclusions 1996/1 with a view to examining ways of ensuring the proper division of labour when reviewing the theme of basic social services for all;

"(f) The Commission on the Status of Women, in accordance with paragraph 58 of agreed conclusions 1996/1, would welcome an input from the Statistical Commission on the statistical implications of the Beijing Platform for Action. The Chairperson of the Commission on the Status of

Women will contact the Chairperson of the Statistical Commission with a view to examining how such input could be provided in a manner that enhances the opportunity for the Commission on the Status of Women to consider this subject."

## Report of the Secretary-General on improvement of the status of women in the Secretariat

179. At its 16th meeting, on 21 March, the Commission took note of the report of the Secretary-General on improvement of the status of women in the Secretariat (E/CN.6/1997/7) (see chap. I, sect. C, Commission decision 41/102).

# Chapter III

## COMMUNICATIONS CONCERNING THE STATUS OF WOMEN

1. The Commission considered item 4 of its agenda at its 1st meeting, on 10 March, and at its 13th meeting (closed meeting), on 20 March 1997.

2. At the 1st meeting, on 10 March, pursuant to Economic and Social Council resolution 1983/27, the Commission established a working group to consider communications concerning the status of women. The following five members, nominated by their regional groups, were appointed: Lily Boeykens (Belgium); Ana Peña (Peru); Seyed Hossein Rezvani (Islamic Republic of Iran); Nonhlanhla Pamela Tsabedze (Swaziland); and Zuzana Vranová (Slovakia). The Working Group on Communications on the Status of Women held four meetings.

## ACTION TAKEN BY THE COMMISSION

### Report of the Working Group on Communications on the Status of Women

3. At the 13th meeting (closed meeting), on 20 March, the Commission considered the report of the Working Group on Communications on the Status of Women (E/CN.6/1997/CRP.3).

4. At the same meeting, the Commission adopted the report of the Working Group, as amended during the discussion, and agreed to include it in the report of the Commission. The report of the Working Group is as follows:

> "1. The Working Group on Communications on the Status of Women was guided in its deliberations by the mandate given in Economic and Social Council resolution 76 (V) of 5 August 1947, as amended by Council resolutions 304 I (XI) of 14 and 17 July 1950 and 1983/27 of 26 May 1983.
>
> "2. The Working Group considered the confidential list of communications concerning the status of women (E/CN.6/1997/SW/COMM.LIST/31) as well as the non-confidential list of communications concerning the status of women (E/CN.6/1997/CRP.33).
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> "3. The Working Group took note of the 10 confidential communications received directly by the Division for the Advancement of Women of the United Nations Secretariat, as well as the 41 communications that formed the confidential list received from the Centre for Human Rights of the United Nations Secretariat. It also took note of the fact that no confidential communications had been received from other United Nations bodies and specialized agencies. It considered three non-confidential communications. The Working Group agreed to postpone the consideration of one confidential communication to the forty-second session of the Commission on the Status of Women.
>
> "4. Regarding the confidential communications, the Working Group took note of some specific trends emerging from the alleged cases of discrimination and/or violations of the human rights of women, namely, violations of the rights of freedom of expression, freedom of movement, freedom of religion and freedom of speech. The Working Group noted further the violation of the rights to life, to security and dignity of the person, to health, to

education, to self-determination, to political opinion, to the enjoyment of full citizenship and to employment.

"5. The Working Group expressed its concern with regard to systematic violations of the rights of women, including rape, sexual molestation, forced and undesired pregnancies and other sexual abuse of women and girls. It also expressed particular concern at recurring situations of armed conflict, which sometimes amounted to genocide, leading to physical and psychological abuses of women and the continuing use of rape as a weapon of war.

"6. The Working Group noted that specific forms of violence against women continued to exist. They included abduction, forced prostitution, forced marriage, trafficking in and sale of women, and forced intervention in the reproductive life of women, as well as female infanticide and the abandonment of female infants. It expressed its concern at violence against pregnant women and at sexual enslavement. It pointed out that the rights of migrant women workers and of internally displaced and vulnerable groups, including indigenous women, continued to be violated. The Working Group was also concerned about the number of arbitrary killings and torture of women.

"7. The Working Group also noted the continuation of harmful traditional practices directed at women which persist owing to, *inter alia*, insufficient efforts of some States to confront those practices.

"8. The Working Group expressed its concern at the continuation of the brutal treatment of women by persons misusing their authority, among others, and through the denial of fair trial, incommunicado and arbitrary detention, prolonged detention without trial, rape and sexual abuse by security forces and prison officials, cruel and degrading treatment, unlawful arrest and denial of legal protection through police negligence, as well as the continued practice of police discrediting of female complainants.

"9. The Working Group also noted the continuing discrimination against women in the context of employment, including sexual harassment, forced labour, unequal enjoyment of training opportunities and inequality of pay for work of equal value.

"10. The Working Group considered the non-confidential communications and noted the continued absence of women in decision-making processes, particularly in the context of war and conflict resolution. It further noted that the exploitation of young girls and women and harmful traditional practices against them did exist.

"11. The Working Group expressed appreciation to Governments for having sent replies conducive to the clarification of the cases concerned. It noted, however, that some Governments had not replied and suggested that the Commission encourage all Governments concerned to cooperate in order to make the communications mechanism more effective.

"12. The Working Group reiterated that the content of the communication must refer only to women and to women's issues, namely, injustice, or discriminatory acts or practices against women, with reference to the criterion used in selecting the communications to be submitted to the Commission on the Status of Women.

"13. The Working Group on Communications on the Status of Women recommends that, in order to provide continuity in the review of communications, the Commission on the Status of Women should, to the extent possible, nominate the same members to serve on the Working Group for two years."

# Chapter IV

## CONVENTION ON THE ELIMINATION OF ALL FORMS OF DISCRIMINATION AGAINST WOMEN, INCLUDING THE ELABORATION OF A DRAFT OPTIONAL PROTOCOL TO THE CONVENTION

1. The Commission considered item 5 of its agenda at its 15th meeting, on 21 March 1997. It had before it the report of the Secretary-General containing a comparative summary of existing communications and inquiry procedures and practices under international human rights instruments and under the Charter of the United Nations (E/CN.6/1997/4) and the report of the Secretary-General on additional views of Governments, intergovernmental organizations and non-governmental organizations on an optional protocol to the Convention (E/CN.6/1997/5).

## ACTION TAKEN BY THE COMMISSION

### Report of the Open-ended Working Group on the Elaboration of a Draft Optional Protocol to the Convention on the Elimination of All Forms of Discrimination against Women

2. At the 15th meeting, on 21 March, the Chairperson of the Open-ended Working Group on the Elaboration of a Draft Optional Protocol to the Convention on the Elimination of All Forms of Discrimination against Women, Aloisia Wörgetter (Austria), introduced and orally revised the report of the Working Group, as contained in documents E/CN.6/1997/WG/L.2 and E/CN.6/1997/WG/L.3 and Add.1, and the Chairperson's summary, which was subsequently circulated in document E/CN.6/1997/WG/L.4.

3. Also at the 15th meeting, the representative of France made a statement. The Secretary of the Commission and the Chairperson of the Open-ended Working Group also made statements.

4. The Commission then adopted the draft report of the Working Group, as orally revised, and agreed to annex it, together with the Chairperson's summary, to the report of the Commission (see annex III below).

### Renewal of the mandate of the Open-ended Working Group on the Elaboration of a Draft Optional Protocol to the Convention on the Elimination of All Forms of Discrimination against Women

5. At the 15th meeting, on 21 March, the Chairperson of the Open-ended Working Group on the Elaboration of a Draft Optional Protocol to the Convention on the Elimination of All Forms of Discrimination against Women, Ms. Wörgetter (Austria), introduced a draft resolution (E/CN.6/1997/L.8) entitled "Renewal of the mandate of the Open-ended Working Group on the Elaboration of a Draft Optional Protocol to the Convention on the Elimination of All Forms of Discrimination against Women" submitted on the basis of informal consultations, the annex to which contained a draft decision on the renewal of the mandate of the Working Group.

6. At the same meeting, the Secretary informed the Commission that the recommendation to authorize the Working Group to meet in parallel with the Commission in 1998 and 1999 had been noted by the Department of Conference Services and would be included in the draft calendar of conferences and meetings

submitted to the Committee on Conferences after the Economic and Social Council had approved the recommendation.

7. The Commission then adopted the draft resolution (see chap. I, sect. C, Commission resolution 41/3), and the draft decision annexed thereto (see chap. I, sect. B, draft decision I).

# Chapter V

## PROVISIONAL AGENDA FOR THE FORTY-SECOND SESSION OF THE COMMISSION

1. The Commission considered item 6 of its agenda at the 16th meeting, on 21 March 1997. It had before it a note by the Secretariat containing the draft provisional agenda for the forty-second session together with a list of requested documentation (E/CN.6/1997/L.15).

2. At the same meeting, the representative of the Division for the Advancement of Women made a statement.

3. The Commission then approved the provisional agenda for its forty-second session together with the requested documentation (see chap. I, sect. B, draft decision III).

## Chapter VI

## ADOPTION OF THE REPORT OF THE COMMISSION ON ITS FORTY-FIRST SESSION

1. At the 16th meeting, on 21 March 1997, the Rapporteur introduced the report of the Commission on its forty-first session (E/CN.6/1997/L.2 and Add.1-4) and orally corrected it.

2. At the same meeting, the Commission adopted the draft report, as orally corrected, and entrusted the Rapporteur with its completion.

# Chapter VII

## ORGANIZATION OF THE SESSION

### A. Opening and duration of the session

1. The Commission on the Status of Women held its forty-first session at United Nations Headquarters from 10 to 21 March 1997. The Commission held 16 meetings (1st to 16th). In accordance with Economic and Social Council decision 1996/240, the Open-ended Working Group on the Elaboration of a Draft Optional Protocol to the Convention on the Elimination of All Forms of Discrimination against Women met during the session.

2. The session was opened by the Chairperson.

3. At its 1st meeting, on 10 March, the Commission held a special ceremony to commemorate the fiftieth anniversary of the Commission and heard an address by the Secretary-General.

4. Statements were made by the Under-Secretary-General for Policy Coordination and Sustainable Development and the Special Adviser on Gender Issues and Advancement of Women.

5. Statements were also made by the Chairperson and by the honoured guests.

### B. Attendance

6. The session was attended by representatives of 45 States members of the Commission. Observers for other States Members of the United Nations and for non-member States, representatives of organizations of the United Nations system and observers for intergovernmental, non-governmental and other organizations also attended. A list of participants is contained in annex I to the present report.

### C. Election of officers

7. In accordance with Economic and Social Council resolution 1987/21, the officers elected to the Bureau of the Commission at its fortieth session were to serve as officers during the forty-first session. At the 1st meeting, on 10 March, having been informed that Rafika Khouini (Tunisia) and Karin Stoltenberg (Norway) would be unable to continue to serve as Vice-Chairpersons, the Commission elected two new Vice-Chairpersons. The Bureau therefore comprised:

| | |
|---|---|
| Chairperson: | Sharon Brennen-Haylock (Bahamas) |
| Vice-Chairpersons: | Ljudmila Boskova (Bulgaria)<br>Zakia Amara Bouaziz (Tunisia)<br>Eva Hildrum (Norway) |
| Rapporteur: | Sweeya Santipitaks (Thailand) |

## D. Agenda and organization of work

8. At its 1st meeting, on 10 March, the Commission adopted its provisional agenda and approved its organization of work, as contained in document E/CN.6/1997/1. The agenda read as follows:

1. Election of officers.

2. Adoption of the agenda and other organizational matters.

3. Follow-up to the Fourth World Conference on Women:

    (a) Review of mainstreaming in organizations of the United Nations system;

    (b) Emerging issues, trends and new approaches to issues affecting the situation of women or equality between women and men;

    (c) Implementation of strategic objectives and action in the critical areas of concern.

4. Communications concerning the status of women.

5. Convention on the Elimination of All Forms of Discrimination against Women, including the elaboration of a draft optional protocol to the Convention.

6. Provisional agenda for the forty-second session of the Commission.

7. Adoption of the report of the Commission on its forty-first session.

9. Also at its 1st meeting, the Commission was informed that Aloisia Wörgetter (Austria) would continue to serve as Chairperson of the Open-ended Working Group on the Elaboration of a Draft Optional Protocol to the Convention on the Elimination of All Forms of Discrimination against Women, established in accordance with Economic and Social Council resolution 1995/29.

## E. Consultations with non-governmental organizations

10. A written statement, submitted by a non-governmental organization in accordance with rule 76 of the rules of procedure of the functional commissions of the Economic and Social Council (E/5975/Rev.1), was circulated in document E/CN.6/1997/NGO/1.

## Annex I

## ATTENDANCE

### Members

| | |
|---|---|
| Angola | Maria Mpava Medina, Lucia Ngueve, Conceicao Rialha |
| Bahamas | Harcourt Turnquest, Sharon Brennen-Haylock, Cora Bain-Colebrooke, Allison P. Christie |
| Belgium | Alex Reyn, Dirk Wouters, Lily Boeykens, Nathalie Cassiers, Anne De Wiest |
| Brazil | Marcela M. Nicodemos, Pedro Paulo d'Escragnolle-Taunay |
| Bulgaria | Ludmila Bojkova, Valentin Hadjiyski |
| Chile | Josefina Bilbao, Juan Somavía, Eduardo Tapia, Fidel Coloma, Teresa Rodríguez, Barbara Hayes |
| China | Feng Cui, Wang Xuexian, Zhang Fengkun, Zou Xiaoqiao, Cai Sheng, Wu Jihong, Jiang Qing, Chen Peijie, Shi Weiqiang, Li Sangu, Huang Shu |
| Congo | Marie-Thérèse Avemeka, Daniel Abibi, Jeanne Loumeto-Pombo, Cornelie Adou, Corneille E. Moka |
| Costa Rica | Fernando Berrocal Soto, Emilia C. de Barish, Ana Isabel García, Liliana Hernández-Valverde, Aida Facio-Montego |
| Cyprus | Frances-Galatia Williams |
| Dominican Republic | Gladys Gutierrez, Gloria Muñiz, Sergia Galvan, Bianco Martínez, Julia Tavares de Alvarez |
| Ecuador | Ximena Martínez de Pérez, Fabián Páliz, Mónica Martínez |
| Ethiopia | Fesseha A. Tessema, Meheret Getahoun |
| France | Claire Aubin, Michele Dubrocard, Gilbert Bitti, Caroline Mechin, François-Xavier Carrel Billiard |
| Germany | Gerhard Henze, Ingrid Barbara Simon, Marion Thielenhaus, Friederike Kirner, Gudrun Graichen-Drueck, Christina Schwuirer, Ursula Sottong, Holger Mahnicke, Patricia Flor |
| Ghana | Mary Grant, Cecilia Johnson, Charlotte Abaka, Finah Dadzie, John E. Aggrey, Marian A. Tackie |
| Greece | Vassilis Kaskarelis, Aliki Hadji, Nikolaos Kotrokois |
| Guinea | Saran Daraba Kaba, Mahawa Bangoura Camara, Djénabou Mayore Sylla Kone, Kadiatou Lamarana Diallo, Oumou Berete, Illiassou Diallo, Madina Bah |

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|---|---|
| India | Najma Heptullah, Kamala Sinha, Margaret Alva, A. K. Sinha, G. Mukhopadhaya, Nandhini Iyer Krishna |
| Indonesia | Rini Soerojo, Wiwiek Wibadswo, Sri M. Tadjudin, Sutjiptohardjo Donokusumo, Wiwiek Setyawati, Sri Danti, R. A. Esti Andayani, Riyadi Asirdin, Iwan Amri |
| Iran (Islamic Republic of) | Mehdi Danesh-Yazdi, Seyed Hossein Rezvani, Forouzandeh Vadiati, Afsaneh Nadipour |
| Japan | Makiko Sakai, Fumiko Saiga, Ms. Kazuko Hitosugi, Ikuko Arimatsu, Fumiko Suzuki, Mitsuko Ito, Kayo Fujita, Toshihiro Tamura, Akiko Ushijima, Kiyoko Kani, Mika Ichihara |
| Kenya | F. R. B. Oeri, J. Ikwisa Ambuka, Zipporah Kittony, Beth Mugo, Adam Adawa, Jane Elizabeth Ogwapit |
| Lebanon | Hassan Najem, Fadi Karam |
| Libyan Arab Jamahiriya | Jamaleddin Hamida |
| Malaysia | Fatimah Hamid Don, Siti Hajjar Adnin |
| Mali | Diakite Fatoumata N'Diaye, Moctar Ouane, Illalkamar Ag Oumar, Traore Hadize Djibo, Diarra Afoussatou Traore, H. A. Soumare, Fatoumata Sire Diakite, Soyota Maiga |
| Mexico | Aída González Martínez, Dulce María Sauri, Patricia Espinosa, Yanerit Morgan, Elia Sosa, Laura Salinas |
| Morocco | Ahmed Snoussi, Aïcha El Kabbaj, Yamina Akhamlich Bennani |
| Namibia | Netumbo Nandi-Ndaitwah, Martin Andjaba, Canner Kalimba, Eva Rachel Neels, Hazel de Wet |
| Norway | Eva Hildrum, Wenche Kverneland, Sissel Salomon, Merete K. Wilhelmsen, Annelene Svingen, Sten Arne Rosnes, Ole Johnny Selstad, Terje Nervik |
| Paraguay | Cristina Muñoz, Ramón Diaz Pereira, Esther Prieto, Martha Moreno Rodriguez |
| Peru | Susana Galdós, Myriam Schenone, Martha Cruz de Yanes, Ana Peña |
| Philippines | Patricia B. Licuanan, Maria Lourdes V. Ramiro-Lopez, Ruth S. Limjuco, Aurora Javate de Dios, Myrna S. Feliciano, Eleonor Conda, Jose Edgar Ledonio |
| Poland | Eleonora Zielińska, Aleksandra Duda, Marcin Nawrot, Krystyna Źurek |
| Portugal | Jose Tadeu Soares, Conceição Brito Lopes, Antonio Ricoca Freire |

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|---|---|
| Republic of Korea | Yun Duk Kim, Myung-Chul Hahm, In-Ja Hwang, Young Han Bae, Young Sam Ma, Yeun Ju Jang, Ji-Eun Park, Jeong-Shim Lee, Young Kyo Park, Jung-Sook Kim, Wha-Soon Byun |
| Russian Federation | T. M. Regent, G. V. Gulko, G. N. Galinka, G. P. Pigaleva, I. V. Khryskov, M. O. Korunova |
| Slovakia | Zuzana Vranová, Eva Havelková, Viera Ševčíková, Zuzana Jezerská |
| Swaziland | Moses Mathendele Dlamini, E. S. Fakudze, Joyce T. Dlamini, Nonhlanhla P. Tsabedze, Glory Musi |
| Thailand | Asda Jayanama, Saisuree Chutikul, Supatra Masdit, Sriwatana Chulajata, Karn Chiranond, Wanchai Roujanavong, Raweevan Asawakul, Atchara Shayakul, Sweeya Santipitaks |
| Togo | Kissem Tchanghai-Walla, Coulibaley Babakane |
| Tunisia | Slaheddine Abdellah, Zakia Amara Bouaziz, Saida Agrebi, Wahid Ben Amor, Habiba Messaabi, Radhia Achouri |
| United Kingdom of Great Britain and Northern Ireland | John Weston, Peter Gooderham, Jill Barrett, Ian Felton, Bob Niven, Hazel Wilkinson, Fran Murray, Elizabeth Bazidge, Colin Parish, Jeremy Astill-Brown, Pat Holden, Isobel Doig |
| United States of America | Linda Tarr-Whelan, Victor Marrero, Carmen Delgado Votaw, Joan D. Winship, Ida Castro, Lynn Goldman, Kathleen Hendrix, Kathryn Higgins, Sharon Kotok, Theresa Loar, Margaret Lycette, Nigel Purvis, David Shapiro |

## States Members of the United Nations represented by observers

Algeria, Andorra, Antigua and Barbuda, Argentina, Armenia, Australia, Austria, Azerbaijan, Bahrain, Bangladesh, Barbados, Bolivia, Botswana, Burkina Faso, Canada, Colombia, Côte d'Ivoire, Croatia, Cuba, Denmark, Eritrea, Finland, Georgia, Guatemala, Haiti, Hungary, Iraq, Israel, Italy, Jordan, Kazakstan, Kyrgyzstan, Latvia, Lesotho, Liechtenstein, Lithuania, Malawi, Malta, Mauritius, Netherlands, New Zealand, Nicaragua, Nigeria, Panama, Republic of Moldova, Romania, Singapore, Slovenia, South Africa, Spain, Sri Lanka, Suriname, Sweden, Syrian Arab Republic, Tajikistan, Trinidad and Tobago, Turkey, Turkmenistan, Ukraine, United Republic of Tanzania, Uruguay, Uzbekistan, Venezuela, Viet Nam, Zambia, Zimbabwe

## Non-member States represented by observers

Holy See, Switzerland

## United Nations

United Nations Children's Fund, United Nations Development Fund for Women, United Nations Population Fund, Economic Commission for Latin America and the

Caribbean, International Research and Training Institute for the Advancement of Women, Centre for Human Rights

## Specialized agencies and related organizations

International Labour Organization, Food and Agriculture Organization of the United Nations, United Nations Educational, Scientific and Cultural Organization, World Health Organization, World Bank, International Monetary Fund, International Telecommunication Union, United Nations Industrial Development Organization

## Intergovernmental organizations represented by observers

Council of Europe, European Community, International Federation of Red Cross and Red Crescent Societies, Organization of African Unity, Organization of American States

## Other organizations represented by observers

Palestine

## Non-governmental organizations

A large number of non-governmental organizations in consultative status with the Economic and Social Council, which had been accredited to the Fourth World Conference on Women, also attended the session.

## Annex II

## LIST OF DOCUMENTS BEFORE THE COMMISSION AT ITS FORTY-FIRST SESSION

| Document symbol | Agenda item | Title or description |
|---|---|---|
| E/CN.6/1997/1 | 2 | Provisional annotated agenda |
| E/CN.6/1997/2 | 3 (d) | Progress achieved in the follow-up to the Fourth World Conference on Women and in mainstreaming a gender perspective within the United Nations system: report of the Secretary-General |
| E/CN.6/1997/3 | 3 (c) | Thematic issues before the Commission on the Status of Women: report of the Secretary-General |
| E/CN.6/1997/4 | 5 | Comparative summary of existing communications and inquiry procedures and practices under international human rights instruments and under the Charter of the United Nations: report of the Secretary-General |
| E/CN.6/1997/5 | 5 | Additional views of Governments, intergovernmental organizations and non-governmental organizations on an optional protocol to the Convention: report of the Secretary-General |
| E/CN.6/1997/6 | 3 (a) | Agreed conclusions 1996/1 adopted by the Economic and Social Council at its 1996 coordination segment on coordination of the United Nations system activities for poverty eradication: note by the Secretary-General |
| E/CN.6/1997/7 | 3 (a) | Improvement of the status of women in the Secretariat: report of the Secretary-General |
| E/CN.6/1997/8 | 3 (a) | Implementation of General Assembly resolution 50/166 on the role of the United Nations Development Fund for Women in eliminating violence against women: note by the Secretary-General |
| E/CN.6/1997/L.1 | 2 | Status of documentation for the session: note by the Secretary-General |
| E/CN.6/1997/L.2 and Add.1-4 | 7 | Draft report of the Commission on its forty-first session |

| | | |
|---|---|---|
| E/CN.6/1997/L.3/Rev.1 | 3 (c) | Revised draft agreed conclusions on the critical area of concern: women and the environment, submitted by the Chairperson of the Commission |
| E/CN.6/1997/L.4 | 3 (c) | Draft agreed conclusions on the critical area of concern: women in power and decision-making, submitted by the Vice-Chairperson of the Commission, Ljudmila Boskova (Bulgaria) |
| E/CN.6/1997/L.5 | 3 (a) | Azerbaijan, Bosnia and Herzegovina, Ecuador, Kazakstan, Kyrgyzstan, Pakistan, South Africa, and Turkey: draft resolution |
| E/CN.6/1997/L.6 | 3 (a) | United Republic of Tanzania (on behalf of the States Members of the United Nations that are members of the Group of 77 and China): draft resolution |
| E/CN.6/1997/L.7 | 3 (a) | United Republic of Tanzania (on behalf of the States Members of the United Nations that are members of the Group of 77 and China): draft resolution |
| E/CN.6/1997/L.8 | 5 | Draft resolution submitted by the Chairperson of the Open-ended Working Group on the Elaboration of a Draft Optional Protocol to the Convention on the Elimination of All Forms of Discrimination against Women, on the basis of informal consultations |
| E/CN.6/1997/L.9 | 3 (a) | United States of America: draft resolution |
| E/CN.6/1997/L.10 | 3 (c) | Bangladesh, Costa Rica, Dominican Republic and Philippines: draft resolution |
| E/CN.6/1997/L.11 | 3 (c) | Bangladesh, Costa Rica, Dominican Republic, Mongolia and Philippines: draft resolution |
| E/CN.6/1997/L.12/Rev.1 | 3 (c) | Revised draft agreed conclusions on the critical area of concern: women and the economy, submitted by the Vice-Chairperson of the Commission, Eva Hildrum (Norway) |
| E/CN.6/1997/L.13/Rev.1 | 3 (c) | Revised draft agreed conclusions on the critical area of concern: education and training of women, submitted by the Vice-Chairperson of the Commission, Zakia Amara Bouaziz (Tunisia) |

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|---|---|---|
| E/CN.6/1997/L.14 | 3 (a) | Australia, Canada and New Zealand: draft resolution |
| E/CN.6/1997/L.15 | 6 | Draft provisional agenda and documentation for the forty-second session of the Commission: note by the Secretariat |
| E/CN.6/1997/L.16 | 3 | Draft decision submitted by the Chairperson |
| E/CN.6/1997/L.17 | 3 | Text submitted by the Chairperson on the follow-up to agreed conclusions 1996/1 of the Economic and Social Council |
| E/CN.6/1997/L.18 | 3 | Draft decision submitted by the Chairperson |
| E/CN.6/1997/L.19 | 3 | Draft resolution submitted by the Chairperson |
| E/CN.6/1997/NGO/1 | 3 (c) | Statement submitted by Zonta International, a non-governmental organization in general consultative status with the Economic and Social Council |
| E/CN.6/1997/CRP.1 | 3 (a) | Results of the sixteenth session of the Committee on the Elimination of Discrimination against Women: note by the Secretary-General |
| E/CN.6/1997/CRP.2 | 3 (a) | Proposed programme of work of the Division for the Advancement of Women of the United Nations Secretariat for the biennium 1998-1999: note by the Secretary-General |
| E/CN.6/1997/CRP.3 | 3 (c) | Report of the Working Group on Communications on the Status of Women |
| E/CN.6/1997/WG/L.1 | 5 | Text submitted by the Chairperson of the Open-ended Working Group on the Elaboration of a Draft Optional Protocol to the Convention on the Elimination of All Forms of Discrimination against Women |
| E/CN.6/1997/WG/L.2 | 5 | Draft report of the Open-ended Working Group on the Elaboration of a Draft Optional Protocol to the Convention on the Elimination of All Forms of Discrimination against Women |

| | | |
|---|---|---|
| E/CN.6/1997/WG/L.3 and Add.1 | 5 | Revised draft optional protocol to the Convention on the Elimination of All Forms of Discrimination against Women, submitted by the Chairperson of the Open-ended Working Group, on the basis of document E/CN.6/1997/WG/L.1 and proposals made at the forty-first session of the Commission |
| E/CN.6/1997/WG/L.4 | 5 | Summary of views and comments made by delegations in the course of the negotiations on a draft optional protocol to the Convention on the Elimination of All Forms of Discrimination against Women, submitted by the Chairperson of the Open-ended Working Group |

# Annex III

# REPORT OF THE OPEN-ENDED WORKING GROUP ON THE ELABORATION OF A DRAFT OPTIONAL PROTOCOL TO THE CONVENTION ON THE ELIMINATION OF DISCRIMINATION AGAINST WOMEN

1. In accordance with Economic and Social Council resolution 1995/29 of 24 July 1995, the Open-ended Working Group on the Elaboration of a Draft Optional Protocol to the Convention on the Elimination of All Forms of Discrimination against Women met as an in-session open-ended working group of the Commission at its fortieth session. By decision 1996/240 of 22 July 1996, the Council renewed the mandate of the Working Group so that it might continue its work, and authorized it to meet in parallel with the Commission at its forty-first session.

2. Ms. Aloisia Wörgetter (Austria) continued to serve as Chairperson of the Working Group.

3. The Working Group met from 10 to 20 March 1997. It held three meetings (1st to 3rd) and a number of informal meetings. It had before it the following documents:

(a) Report of the Secretary-General containing a comparative summary of existing communications and inquiry procedures and practices under international human rights instruments and under the Charter of the United Nations (E/CN.6/1997/4);

(b) Report of the Secretary-General containing additional views of Governments, intergovernmental organizations and non-governmental organizations on an optional protocol to the Convention (E/CN.6/1997/5);

(c) Note by the Secretariat containing a compilation text prepared by the Chairperson, based on proposals made by members of the Open-ended Working Group at its first session, on views submitted by Governments and intergovernmental and non-governmental organizations, and on elements suggested by the Committee on the Elimination of Discrimination against Women (E/CN.6/1997/WG/L.1);

(d) Report of the Open-ended Working Group (E/CN.6/1997/WG/L.2);

(e) Revised draft optional protocol submitted by the Chairperson on the basis of the compilation text contained in document E/CN.6/1997/WG/L.1 and proposals made at the forty-first session of the Commission (E/CN.6/1997/WG/L.3 and Add.1).

4. The Chairperson opened the meeting and made a statement.

5. At the 1st meeting, on 10 March, the Special Adviser on Gender Issues and Advancement of Women, made an introductory statement.

6. At the same meeting, the representative of the Committee on the Elimination of Discrimination against Women made a statement in her capacity as a resource person, in accordance with Economic and Social Council decision 1996/240.

## General exchange of views

7. At its 1st and 2nd meetings, on 10 and 11 March, the Working Group, at the invitation of the Chairperson, held a general exchange of views on item 5. Delegations welcomed the compilation text prepared by the Chairperson (E/CN.6/1997/WG/L.1), which was based on the elements suggested by the Committee on the Elimination of Discrimination against Women in suggestion No. 7[a] on proposals made by members of the open-ended Working Group at its first session (E/1996/26, annex III) and on views expressed by Governments, intergovernmental organizations and non-governmental organizations (E/CN.6/1996/10 and Corr.1 and Add.1 and 2 and E/CN.6/1997/5). The Working Group agreed that this text should be used as basis for the further deliberations in the Working Group and for the process of drafting an optional protocol.

8. It was suggested that a first reading of the Chairperson's text be completed at the current session of the Commission, with a view to finalizing an optional protocol as quickly as possible. The aim of achieving the protocol's entry into force before the year 2000 was put forward. It was also suggested that the Working Group should proceed cautiously with thorough consultations and without a specific timetable.

9. Delegations pointed out that an optional protocol would be an essential step in the follow-up to the World Conference on Human Rights and the Fourth World Conference on Women. It would strengthen the implementation of the legal rights of women contained in the Convention on the Elimination of All Forms of Discrimination against Women, and make the Convention more effective in promoting and protecting those rights. An optional protocol would complement and strengthen the existing implementation mechanism under the Convention, that is, the reporting procedure under article 18. An optional protocol, which should allow for complaints about violations of the rights of women, would place the Convention on an equal footing with other international human rights treaties having communications procedures. The optional protocol should be consistent with, and complementary to, similar existing mechanisms, and these should be drawn upon in its elaboration.

10. Delegations emphasized that any possible duplication or overlapping with similar existing procedures should be avoided. It was noted that the achievement of the universal ratification of the Convention, its effective implementation, and the withdrawal of reservations by States parties remained important goals to be achieved. The need to improve the effectiveness of the existing monitoring mechanism and to ensure the efficiency of any new mechanism was noted.

11. In preparing an optional protocol, a number of issues would need to be resolved. The breadth of the articles contained in the Convention, covering political, civil, economic, social and cultural rights, and the influence of social attitudes and practices on women's de facto enjoyment of their rights, would need to be kept in mind. It was also noted that the Working Group should proceed in a way that would lead to an effective, reliable and practical instrument that was acceptable to many States parties to the Convention and that could be enforced effectively, in order to complement the implementation of the Convention at the national level, recognizing the primary role of the States parties in this regard.

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[a] _Official Records of the General Assembly, Fiftieth Session, Supplement No. 38_ (A/50/38), chap. I, sect. B.

12. Questions were raised with respect to the appropriateness of the proposed inquiry procedure in the light of the goals of the Convention.

## ACTION TAKEN BY THE OPEN-ENDED WORKING GROUP

13. At its 3rd meeting, on 20 March, the Working Group adopted its draft report (E/CN.6/1997/WG/L.2), as orally revised during informal consultations. It agreed that the revised draft optional protocol contained in document E/CN.6/1997/WG/L.3 and Add. 1, as orally revised during informal consultations, should be included in its report to the Commission (see appendix I below).

14. At the same meeting, the Working Group had before it a summary by the Chairperson of views and comments made by delegations during the negotiations on a draft optional protocol, which was subsequently circulated in document E/CN.6/1997/WG/L.4. The Working Group decided to include the summary in its report to the Commission (see appendix II below).

# Appendix I

## REVISED DRAFT OPTIONAL PROTOCOL SUBMITTED BY THE CHAIRPERSON ON THE BASIS OF THE COMPILATION TEXT CONTAINED IN DOCUMENT E/CN.6/1997/WG/L.1 AND PROPOSALS MADE AT THE FORTY-FIRST SESSION OF THE COMMISSION

### Article 1

[A State Party to the present Protocol recognizes the competence of the Committee to receive and consider communications [submitted in accordance with article 2].]

### Article 2

[Communications may be submitted:

(a) By an individual, group or organization claiming to have suffered from a violation of any of the rights in the Convention or claiming to be directly affected by the failure of a State Party to comply with its obligations under the Convention; or

(b) By an individual, group or organization claiming that a State Party has violated any of the rights set forth in the Convention or has failed to comply with its obligations under the Convention, if in the opinion of the Committee this person, group or organization has sufficient interest in the matter.]

Alternative 1

Communications may be submitted by [or on behalf of] individuals under the jurisdiction of a State Party claiming that any of their rights set forth in the Convention have been violated by that State Party [and who have exhausted all available domestic remedies].

Alternative 2

Communications may be submitted:

(a) By [or on behalf of] individuals under the jurisdiction of a State Party claiming that any of their rights set forth in the Convention have been violated by that State Party [and who have exhausted all available domestic remedies];

(b) By associations or non-governmental organizations whose purpose is to defend women's rights and who have obtained the agreement of the person or persons claiming to have suffered from a violation of one of the rights set forth in the Convention.

Alternative to 2 (a)

(a) Communications may be submitted by individuals or groups of individuals under the jurisdiction of a State Party to this Protocol who have suffered from a violation of one of the provisions of the Convention or from a deliberate failure to comply with that provision.

Alternatives to 2 (b)

(b) By an individual, group or organization with a sufficient/established interest in the matter on behalf of an individual or group of individuals claiming that a State Party has violated any of the rights set forth in the Convention.

(b) On an exceptional basis, the communication may be submitted by:

(i) A duly designated representative of the victim or victims;

(ii) An individual or group of individuals acting on behalf of a victim or victims in circumstances where the victim is unable to act herself or to designate a representative/an individual or group of individuals acting on behalf of a victim or victims that has established that it is impossible for the person or persons affected to submit the communication or to designate a representative.

Article 3

Communications shall be in writing and shall not be anonymous.

Article 4

[Alternative 1

1. The Committee shall not declare a communication admissible unless it has ascertained that all available [legal] domestic remedies have been exhausted [in accordance with generally recognized rules of international law]; [this shall not apply where the Committee considers the application of the remedies to be [unreasonably prolonged] [unreasonable] or unlikely to bring effective relief] [unless the claimant demonstrates that such remedies are ineffective or that the application of the remedies has been unduly prolonged];

2. The Committee shall declare a communication inadmissible:

(i) That it considers to be incompatible with the provisions of the Convention;

(ii) That it considers to be an abuse of the right to submit a communication;

[(iii) That it considers to be manifestly ill-founded] [or obviously politically motivated];

[(iii *bis*) Where there is not sufficient substantiation of the claim to support its examination on the merits];

[(iv) That relates to facts that occurred before the entry into force of this Protocol for the State Party concerned, [unless those facts continued after the entry into force of this Protocol for the State Party]];

(v) Where the same matter [has already been examined by the Committee or] [has been] [taken note of] [or] is being [examined] [considered] under another procedure of international investigation or settlement.

[3. A communication shall be in compliance with the principles of objectivity and impartiality [and should include information of legal remedies or reparation undertaken by the State Party concerned]].

Alternative 2

A communication shall be inadmissible where, in the view of the Committee:

(i) It is incompatible with the provisions of the Convention;

(ii) It is an abuse of the right to submit a communication;

[(iii) It is manifestly ill-founded] [or obviously politically motivated];

[(iii *bis*) Where there is not sufficient substantiation of the claim to support its examination on the merits];

(iv) All available [legal] domestic remedies have not been exhausted [in accordance with generally recognized rules of international law] [unless in the view of the Committee the application of the remedies is [unreasonably prolonged] [unreasonable] or unlikely to bring effective relief] [unless the claimant demonstrates that such remedies are ineffective or that the application of the remedies has been unduly prolonged];

[(v) The facts that are the subject of the communication occurred prior to the entry into force of this Protocol for the State Party concerned, [unless those facts continued after that date]];

(vi) The same matter [has already been examined by the Committee or] [has been] [taken note of] [or] is being [examined] [considered] under another procedure of international investigation or settlement;

[(vii) It is in compliance with the principles of objectivity and impartiality [and includes information on legal remedies or reparation undertaken by the State Party concerned]].]

## Article 5

[1. At any time after the receipt of a communication and before a determination on the merits has been reached, the Committee may [request] [recommend] the State Party concerned to take interim measures [as appropriate] [as may be necessary] [to preserve the status quo and] to avoid [possible irreparable] [further] [harm] [damage] [if any] [to the victim or victims of the alleged violation] [after it has been determined that sufficient evidence exists to substantiate the claim].]

[2. The State Party concerned [may] [shall] [give due consideration to] consider [urgently and positively] the recommendation under paragraph 1.]

[2 bis. Where the Committee exercises its power under paragraph 1, this does not imply a determination [on admissibility] [on the merits] of the communication.]

## Article 6

[1. Unless the Committee considers a communication inadmissible without reference to the State Party concerned, the Committee shall bring any communication submitted to it under this Protocol confidentially to the attention of the State Party concerned. The Committee may in exceptional cases involving a threat to the life or physical integrity of the [individual or individuals who is/are the subject of the communication] [author or victim] withhold [her/their] or [her identity or identities] [identity] during consideration of protective interim measures.]

Alternative 1

[The State Party should be informed confidentially of the communication. The identity of the individual should also be revealed to the State Party unless the individual objects.]

Alternative 2

[The Committee may bring any communication admitted by it under this Protocol confidentially to the attention of the State Party concerned, but shall not reveal the identity of the author unless express prior consent is given.]

2. Within [three] [six] months, the receiving State Party shall submit to the Committee written explanations or statements clarifying the matter and the remedy, if any, that may have been taken by that State Party.

[3. During its examination of a communication, the Committee shall place itself at the disposal of the parties concerned with a view to facilitating settlement of the matter on the basis of respect of the rights and obligations set forth in the Convention] [in the event of agreement between the parties, the Committee shall adopt findings taking note of the settlement of the matter].

## Article 7

1. The Committee shall consider communications received under this Protocol in the light of all [written] information made available to it by [or on behalf of] the [author] [individual] and by the State Party concerned. [The Committee may also take into account information obtained from other [United Nations] sources, provided that this information is transmitted to the author and the State Party for comment.]

2. The Committee shall hold closed meetings when examining communications under this Protocol.

[2 bis. When a communication is being considered, the State Party concerned shall be entitled to take part in the proceedings of the Committee and to make submissions orally and/or in writing.]

[3. After examining a communication, the Committee [shall adopt its views [together with any recommendations] on the communication and] shall transmit [these] [its views] to the State Party [concerned] and to the [individual[s]] [victim].]

Alternative 1

[3. After examining a communication, the Committee [shall adopt its views [together with any recommendations] [including, where appropriate, specific measures] on the communication and] shall transmit [these] [its views] to the State Party [concerned] and to the [individual[s]] [victim].]

### Article 8

[1. The Committee may request that the State Party concerned take specific measures to remedy any violations [or failure to give effect to its obligations under the Convention].]

[2. The State Party shall take all steps necessary to remedy any violation of rights [or failure to give effect to its obligations under the Convention]. The State Party shall ensure that the appropriate remedy, including, if need be, adequate reparation, is provided.]

[3. Within [three] [six] months the receiving State Party shall submit to the Committee written explanations or statements clarifying the matter and the remedy that has been implemented by the State Party.]

Alternative 1

[Within [three] [six] months the receiving State Party shall submit to the Committee a written response to the views of the Committee, including an explanation of any action taken in the light of its recommendations.]

### Article 9

[1. The Committee may invite the State Party concerned to discuss with it the measures that that State Party has taken to give effect to the views, suggestions or recommendations of the Committee.]

[2. The Committee may invite the State Party concerned to include in its subsequent report under article 18 of the Convention details of any measures taken [and any opinion] in response to the Committee's views, suggestions and recommendations.]

Alternative 1

[2. The Committee may invite the State Party to submit further information about any measures the State Party has taken to give effect to its views or recommendations, including as deemed appropriate by the Committee, in the State Party's subsequent report under article 18 of the Convention.]

### Article 10

[1. If the Committee receives reliable information indicating a serious [and] [or] systematic violation by a State Party to the Protocol of rights set forth in the Convention [or of a failure to give effect to obligations set forth in the Convention], the Committee shall invite that State Party to cooperate in the examination of the information and to this end to submit observations with regard to the information concerned.

2. Taking into account any observations which may have been submitted by the State Party concerned as well as any other reliable information available to it, the Committee may designate one or more of its members to conduct an inquiry [with the consent of the State Party] and to report urgently to the Committee. [[Where warranted and] in agreement with the State Party, the inquiry may include a visit to its territory.]

3. After examining the findings of such an inquiry, the Committee shall transmit these findings to the State Party concerned together with any comments and recommendations.

4. The State Party shall, within [three] [six] months of receiving the findings, comments and recommendations transmitted by the Committee, submit its observations to the Committee.

5. Such an inquiry would be conducted confidentially and the [consent and] cooperation of the State Party shall be sought at all stages of the proceedings.]

### Article 11

[1. The Committee may at [any] [an appropriate] time invite a State Party concerned to discuss with it the measures which that State Party has taken in response to such an inquiry.

[2. The Committee may invite the State Party concerned to include in its report under article 18 of the Convention details of any measures taken in response to such an inquiry].]

### Article 12

[1. States Parties to this Protocol undertake:

[(a) [Not to hinder [in any way]] [To give full support to] [To cooperate in] the effective exercise of the right to communications established in this Protocol];

Alternative

[(a) Not to hinder in any way the opportunities provided [individuals ...] under this Protocol to submit communications or information to the Committee;]

* * *

[(b) To take all steps necessary [to prevent] [not to fail to protect] any [individual, [or] group [of individuals] [or organization] from interfering with the exercise of [the right of communication] [opportunities to submit communications] or from victimizing any individual for exercising this right or providing information to or [assisting] [cooperating with] the Committee in its inquiries;]

Alternative

[(b) To take all appropriate steps to protect those submitting communications or information to the Committee from interference or reprisal by any Party;]

* * *

[(c) To [assist] [give full cooperation to] [cooperate with] [to the extent that it concerns the State Party] the Committee in its proceedings under this Protocol].]

## Article 13

The Committee shall include in its annual report under article 21 of the Convention a summary of its activities under this Protocol.

## Article 14

[States Parties undertake [to publicize] [and] [to make widely known] [in their countries]:

[(a) [The contents of this Protocol and the procedures established under it;] [The principles and provisions of the Protocol by appropriate and active means];]

Alternative

[States Parties undertake to publicize and make as widely known as possible the contents of this Protocol and the procedures established under it.]

[(b) The Committee's views, [comments, suggestions] and recommendations concerning [the outcome of the consideration of] a communication [received] [or an inquiry conducted].]]

* * *

Alternative

[Each State Party undertakes to publicize the annual report of the Committee, particularly as it concerns a communication or an inquiry initiated by the Committee involving the particular State Party.]

## Article 15

[The Committee shall develop its own rules of procedure to be followed when exercising the functions conferred on it by this Protocol.]

## Article 16

[The Committee shall meet for such a period as is necessary [within its agenda] to carry out its function under this Protocol.]

Alternative

[The Committee shall hold meetings to exercise its functions under this Protocol, in addition to its meetings held under article 20 of the Convention. The duration of such meetings shall be determined, and reviewed, if necessary, by a meeting of the States Parties to the Protocol, subject to the approval of the General Assembly.]

### Article 17

1. This Protocol shall be open for signature by any State which has signed, acceded to or ratified the Convention.

2. This Protocol shall be subject to ratification by any State which has ratified or acceded to the Convention. Instruments of ratification shall be deposited with the Secretary-General of the United Nations.

3. This Protocol shall be open to accession by any State which has ratified or acceded to the Convention.

4. Accession shall be effected by the deposit of an instrument of accession with the Secretary-General of the United Nations.

### Article 18

1. This Protocol shall enter into force three months after the date of the deposit with the Secretary-General of the United Nations of the [fifth] [tenth] [twentieth] instrument of ratification or accession.

2. For each State ratifying this Protocol or acceding to it after its entry into force, this Protocol shall enter into force three months after the date of the deposit of its own instrument of ratification or accession.

### Article 19

[The provisions of this Protocol shall extend to [all parts of federal States and to all territories subject to] the jurisdiction of a State Party without any limitations or exceptions.]

### Article 20

[No reservations to this Protocol shall be permitted.]

Alternative

[Reservations to this Protocol shall be permitted, unless such a reservation is incompatible with the object and purpose of the present Protocol and the Convention, in accordance with the rules of international law.]

## Article 21

1. Any State Party to the present Protocol may propose any amendment and file it with the Secretary-General of the United Nations. The Secretary-General shall thereupon communicate any proposed amendments to the States Parties to this Protocol with a request that they notify her/him whether they favour a conference of States Parties for the purpose of considering and voting on the proposal. In the event that at least one third of the States Parties favours such a conference, the Secretary-General shall convene the conference under the auspices of the United Nations. Any amendment adopted by a majority of the States Parties present and voting at the conference shall be submitted to the General Assembly of the United Nations for approval.

2. Amendments shall come into force when they have been approved by the General Assembly of the United Nations and accepted by a two thirds majority of the States Parties to this Protocol in accordance with their respective constitutional processes.

3. When amendments come into force, they shall be binding on those States Parties that have accepted them, other States Parties still being bound by the provisions of this Protocol and any earlier amendments which they have accepted.

## Article 22

1. Any State Party can denounce this Protocol at any time by written notification addressed to the Secretary-General of the United Nations. Denunciation shall take effect six months after the date of receipt of the notification by the Secretary-General.

2. Denunciations shall be without prejudice to the continued application of the provisions of this Protocol to any communication [or inquiry] before the effective date of denunciation.

## Article 23

The Secretary-General of the United Nations shall inform all States of:

(a) Signatures, ratifications and accessions under this Protocol;

(b) The date of entry into force of this Protocol and the date of entry into force of any amendment under article 21 and any denunciations under article 22.

## Article 24

1. This Protocol, of which the Arabic, Chinese, English, French, Russian and Spanish texts are equally authentic, shall be deposited in the archives of the United Nations.

2. The Secretary-General of the United Nations shall transmit certified copies of this Protocol to all States referred to in article 25 of the Convention.

# Appendix II

## CHAIRPERSON'S SUMMARY OF VIEWS AND COMMENTS MADE BY DELEGATIONS DURING THE NEGOTIATIONS ON A DRAFT OPTIONAL PROTOCOL TO THE CONVENTION ON THE ELIMINATION OF DISCRIMINATION AGAINST WOMEN

1. The Open-ended Working Group on the Elaboration of a Draft Optional Protocol to the Convention on the Elimination of All Forms of Discrimination against Women held a number of informal meetings to consider the Chairperson's compilation text of a draft optional protocol, contained in document E/CN.6/1997/WG/L.1. The Working Group requested the Chairperson to prepare a summary of the discussions held during the informal meetings for inclusion in the report of the Working Group.

2. Throughout the informal meetings, the Working Group benefited from the comments of and replies to questions by Ms. Silvia Cartwright, a representative of the Committee on the Elimination of Discrimination against Women, who participated in the Working Group as a resource person in accordance with Economic and Social Council decision 1996/240. She explained the Committee's current working methods and the responsibilities entrusted to it in accordance with article 17 of the Convention.

3. With the agreement of the Working Group, the Chairperson also called on non-governmental and intergovernmental organizations to make statements on the substance of a matter.

4. The following reflects the Chairperson's understanding of the discussions of the Working Group on the draft optional protocol (E/CN.6/1997/WG/L.1), arranged on an article-by-article basis. The Chairperson wishes to note that, since no agreement has yet been reached in the Working Group on the question of standing and on the terminology regarding complainants, any such references in the following summary are without prejudice to the final outcome of the work of the Working Group.

### Preamble

5. The Working Group agreed that the optional protocol would be preceded by a preamble. Many delegations expressed a preference for a short, succinct preamble. Since the preamble would be expected to reflect the content of the optional protocol, it was agreed to revert to it once the body of the optional protocol had been agreed upon.

### Article 1

6. Many delegations expressed a preference for a concise article 1, limited to the question of the Committee's competence to receive and consider communications, as proposed in document E/CN.6/1997/WG/L.1. The Working Group agreed ad referendum to that, although some delegations felt that the article should be expanded to address also the question of standing. The addition of a reference that communications would be submitted in accordance with the provisions of the present protocol received support.

7. While some delegations expressed a preference for maintaining a separate subparagraph which would make it explicit that no communications were to be

received concerning a State party that was not a party to the protocol, the Working Group agreed that such a provision was redundant and could be deleted.

## Article 2

8. Some delegations expressed support for the formulation contained in document E/CN.6/1997/WG/L.1, which would facilitate access to the communications procedure by a potentially broad range of complainants. It was seen as a vehicle to overcome obstacles, such as illiteracy and poverty, frequently faced by women in accessing international procedures of redress for human rights violations. Some delegations noted that the article should address two issues - first, who was entitled to submit a communication, and secondly, the scope of rights within the Committee's competence.

9. Various options for dealing with the question of who had standing were proposed. It was proposed that the article, in two subparagraphs, should address victims (i.e., those whose rights had allegedly been violated). Some delegations suggested that those rights should be directly violated. A second subparagraph should indicate who might submit communications on behalf of a victim or victims. Others suggested that the article should incorporate a third component and provide those "having sufficient interest", but who were neither direct victims of a violation nor acting on their behalf, with the right to submit a communication.

10. Some delegations favoured the approach of the first Optional Protocol to the International Covenant on Civil and Political Rights, which grants standing to individuals only; others envisaged the possibility of standing for groups of individuals, which was incorporated in the Convention on the Elimination of All Forms of Racial Discrimination, but not for groups per se. Some delegations were in favour of allowing communications from individuals and groups; others wished to include the possibility of communications from organizations.

11. Those favouring standing for individuals or groups of individuals only argued that the main purpose of an optional protocol to the Convention on the Elimination of All Forms of Discrimination against Women should be to provide a remedy for violations of the rights of individuals. They expressed the view that groups or organizations, as such, were not the holders of human rights and could not be direct victims of a violation of the Convention. They indicated that only identifiable individuals comprising the group or organization were victims of a violation and thus be entitled to submit a communication.

12. Some delegations were of the view that organizations should be granted the right to submit communications but that the groups or organizations entitled to do so should be limited to, for example, groups or organizations with an interest in women's rights. Others noted that such a limitation would exclude communications from many organizations that do not specialize in women's issues but that might initiate important communications.

13. Some delegations supported the inclusion in article 2 of standing for representatives of alleged victims and suggested that there should be the possibility for communications to be submitted on behalf of a victim or victims. A number of delegations noted that there was no need to make explicit provision for representation in the optional protocol, since such a right was automatically part of the right to complain. The formulation found in other instruments providing for the submission of a communication "on behalf of" an individual or individuals encompassed situations in which the individual was not

in a position to submit a communication. Some delegations suggested that the right of communication should be confined to victims and that submission of communications on behalf of victims should be allowed in exceptional cases only. Other delegations suggested that the question of whether victims could be represented by third parties in the absence of their consent should be considered.

14. Some delegations suggested that allowing groups with sufficient interest to submit communications would address situations where groups of women - for example, women who had been trafficked - had suffered violations. It was also suggested that such a procedure could also be of value in the light of the many obstacles women faced in effectively using available means for claiming their rights. A number of delegations were doubtful whether those with "sufficient interest" in the matter but who were not directly affected or acting on behalf of an individual or individuals directly affected should be entitled to submit communications.

15. Some delegations favoured the inclusion of standing for groups with sufficient interest in order to address systemic and widespread situations of violations of women's rights. Such communications could potentially benefit large numbers of women, without identifying a specific group of victims. Others noted that, in their view, the main purpose of a communications procedure was to deal with violations of the rights of individuals and thus they did not favour such an expansion of standing. Such situations, it was felt, might be better addressed through an inquiry procedure.

16. Many delegations supported the view that communications would need to allege a violation of rights contained in the Convention. Other delegations were in favour of adding that failure of the State party to comply with its obligations under the Convention should also provide a basis for submitting a communication. Some delegations suggested that that would emphasize the comprehensive framework of the Convention which covered a broad range of rights, thus making it a tool for addressing systemic and structural causes of discrimination.

17. Some delegations argued that failure to comply with the obligations in the Convention was a violation of rights and therefore saw no need for its explicit inclusion. The point was made that it was unusual for individuals to submit communications regarding the failure of States parties to comply with obligations under the Convention.

18. Some delegations pointed out that the scope of the Convention covered more than clearly identifiable rights of individuals. Inclusion of a failure-to-comply provision would make it clear that the Committee was empowered to deal not only with situations of direct violations but also with the failure of States parties to take measures to implement the Convention. It was also noted that, instead of referring to failure of States parties to comply with obligations, reference to the fact that violations could arise from either acts or omissions would be sufficient to cover that concern.

19. A number of delegations noted that only victims subject to the jurisdiction of the State party should be entitled to submit a communication. Many delegations stressed the fact that women refugees and migrant women would be included within that category.

20. While some delegations favoured the inclusion of a reference in article 2 to the requirement of exhaustion of domestic remedies as a precondition for the

submission of a communication, others argued that all admissibility criteria ought to be contained in a later article - namely, article 4.

### Article 3

21. Many delegations expressed support for the formulation proposed in document E/CN.6/1997/WG/L.1 as it was similar to language used in comparable existing international procedures. Some delegations noted that inclusion of language requiring transmission of admissible communications to the State party concerned was dealt with in a later article and thus did not need to be addressed at the current stage. The Working Group adopted the article ad referendum.

### Article 4

22. In considering admissibility criteria, many delegations expressed support for an approach which would place the optional protocol on an equal footing with similar international procedures. They noted that a higher admissibility threshold than in other procedures would be discriminatory to women.

23. The Working Group considered the possibility of combining all admissibility criteria - that is, articles 3 and 4 - into one single article. It was, however, found that the criteria contained in article 3 were preconditions of receivability of a communication rather than admissibility criteria strictu sensu.

24. The Working Group attempted to combine the admissibility criteria of article 4 under one chapeau but found that to be difficult. Many delegations expressed support for the formulation contained in article 4 (1) of document E/CN.6/1997/WG/L.1. It was noted that a formulation which would require the Committee itself to ascertain whether certain criteria were met was potentially too burdensome. Therefore, a formulation should be sought in the chapeau which would lead to a declaration of inadmissibility on the face of the communication.

25. The Working Group agreed ad referendum on the inclusion of a number of admissibility criteria, including the following: that a communication not be incompatible with the provisions of the Convention; that it not be an abuse of the right to submit a communication; and that available domestic remedies be exhausted. Some delegations suggested the addition to the last-mentioned criterion of the notion that such exhaustion be determined in accordance with generally recognized rules of international law, whereas others felt that a more specific qualification should be added which would cover the ineffectiveness or undue prolongation of such domestic remedies. Others were of the opinion that no qualification should be added. It was also suggested that it should be the duty of the petitioner to establish the ineffectiveness of domestic remedies.

26. Some delegations suggested that a criterion covering manifestly ill-founded communications be included. A number of delegations noted that such a criterion, while found in a number of regional instruments, was not to be found in any comparable international procedure. While some delegations proposed the addition of obviously political motivation as a criterion of inadmissibility, many others suggested that that was a particular example of an abuse of the right to submit a communication and argued that specificity was unnecessary. Other delegations argued that the submission of unfounded accusations and distorted facts formed the core of an abuse of the right to petition granted

under an optional protocol of that nature and should thus be explicitly included as inadmissibility criteria.

27. While some delegations proposed the inclusion of an admissibility criterion covering the non-retroactive applicability of the optional protocol, other delegations argued that, by definition, international treaties were non-retroactive and the inclusion of such a criterion was unnecessary. A number of delegations pointed out that violations that continued after the entry into force of the optional protocol were not affected by the principle of non-retroactivity.

28. The Working Group agreed ad referendum to include a criterion covering inadmissibility for reasons of duplication of procedures. In that regard, some delegations considered that only a simultaneous examination by a procedure of international investigation or settlement should be precluded, whereas others argued that both the simultaneous and a subsequent examination of the matter should be precluded. The point was made that since the adoption of the first optional protocol to the International Covenant on Civil and Political Rights, which precluded simultaneous examination only, other similar procedures had entered into force, thus justifying the exclusion of both a simultaneous and a subsequent examination of the same matter. Some delegations argued that communications could be brought which might fall within the competence of different treaty bodies or where gender issues were only one aspect of a communication. In that regard, the role of the Secretariat in registering and channelling communications to treaty bodies was noted.

29. The point was made that consideration of a communication by any other international procedure should be precluded from the moment such a communication had been taken note of by an international procedure. Some delegations emphasized the need for coordination among international human rights mechanisms.

30. The Working Group agreed that it would be inappropriate to provide the Committee with the competence to determine that another procedure of international investigation or settlement was unduly prolonged. Some delegations suggested that a reference to the Committee's own prior consideration of the same, or of substantially the same, matter should be included as a ground of inadmissibility. Others suggested that that would be unnecessary since such cases would be covered under the abuse of the right to submit a communication.

31. Some delegations suggested that the principles of objectivity and impartiality, which were widely accepted in the field of human rights, should be included as a criterion of admissibility. Other delegations noted that they could not agree to the inclusion of an admissibility criterion addressing principles of objectivity and impartiality.

### Article 5

32. Many delegations were in favour of the explicit inclusion of a provision relating to interim measures in the optional protocol since such a provision was in accordance with the current practice of similar international procedures. They considered that its inclusion in the optional protocol would constitute a progressive codification of international human rights law and would add to the transparency of the procedure. Some delegations recalled that interim measures were addressed in the rules of procedure of other international procedures and

suggested that it be left to the Committee to include that matter in its rules of procedure.

33. Many delegations expressed a preference for language which would enable the Committee to "recommend" such measures, as opposed to requesting them, as currently formulated in document E/CN.6/1997/WG/L.1. Other delegations pointed out that the use of the term "recommend" would differ from the language used in the practice of other treaty bodies and, therefore, the term "request" should be retained. Several delegations noted that interim measures were of an extraordinary nature, similar to comparable measures in many domestic legal systems and, as such, were likely to be used sparingly.

34. Many delegations suggested deletion of the term "preservation of the status quo" as it was unclear and implicitly contained in the concept of avoidance of irreparable harm. Other delegations argued that the preservation of the status quo was a well-known concept in domestic law, which complemented the concept of avoidance of irreparable harm. Several delegations noted that other treaty bodies used the term "damage", as opposed to the term "harm" in document E/CN.6/1997/WG/L.1, and suggested that the two terms be clarified further.

35. A number of delegations noted that a request for interim measures might suggest prejudgment of the outcome of the consideration of a communication. Some delegations noted that a request for interim measures would not in any way imply a determination on the merits of a communication or, as the case may be, of its admissibility. They proposed the addition of a paragraph which would make that explicit.

36. As to the inclusion of a provision which would call on the State party to act in accordance with the Committee's request for interim measures (article 5 (2)), many delegations considered that the formulation for such a provision would need to be carefully considered. Many delegations expressed a preference for deleting the provision altogether, rather than for a reformulation of the existing language.

## Article 6

37. The Committee resource person noted the vulnerability of complainants of violations of rights and the particular risks to women in that regard. Some delegations expressed support for the formulation as contained in article 6 (1) of document E/CN.6/1997/WG/L.1. Other delegations recognized the need to reveal the victim's identity to the State party concerned in order to enable the State party to provide explanations to the Committee and a remedy to the complainant. Therefore they suggested that the revelation of the person's identity should be the rule, as knowledge of the identity of the author by the State party was essential for providing an effective remedy. Some delegations stated that the complainant's express consent prior to revealing her identity was essential to the procedure, especially to ensure the petitioner's safety and to protect her from reprisals. Other delegations noted that the need for protecting the victim could be addressed by withholding her identity temporarily during the period of interim measures. Others considered that permanent withholding of the author's identity would need to be the exception. Some delegations suggested that such exception could be addressed in the Committee's rules of procedure.

38. Some delegations proposed that, rather than requiring the victim's express consent prior to revealing her identity to the State party, the victim should be required to object to the revelation of her identity expressly.

39. While some delegations argued for deletion of the first part of article 6 (1) as being superfluous, other delegations noted that the sentence reflected a carefully balanced sequence in the timing of the steps the Committee would take in the consideration of communications.

40. It was pointed out that in a number of articles of document E/CN.6/1997/WG/L.1 reference was made to "the author", whereas similar instruments use the terms "individual" or "petitioner", and it was suggested that those terms be used. Some delegations suggested that "victim" be used either in addition to or instead of "author". It was noted that the decision on the question of standing in article 2 would determine which term should be used consistently throughout the protocol.

41. As to time limits for the submission of information by the State party to the Committee on a transmitted communication, some delegations were in favour of three months, whereas others expressed a preference for six months.

42. Some delegations welcomed the explicit inclusion of a provision in the optional protocol allowing a settlement at any time before a decision on the merits by the Committee. Noting the comments of the Committee resource person with regard to the constructive role of the Committee, some delegations welcomed the inclusion of such a provision as a modern means of dispute resolution and as encouraging a friendly settlement between the parties. While a settlement would be based on a full disclosure of facts by both parties, there would be no expression of views by the Committee but instead a statement of a successful resolution of an issue. Other delegations pointed out that the Committee's potential role as mediator might prevent it from playing its proper role under a communications procedure. They suggested that it should be left to the Committee to address such a role in its rules of procedure. Support was expressed for the addition of language which would allow the Committee to indicate clearly that a settlement had been reached on a matter.

## Article 7

43. Some delegations proposed the deletion of any reference to "other sources" of information. Some noted that other sources of information could, if so desired, be channelled into the process through cooperation with either the State party or the author, thus making broadening access to other sources of information unnecessary. It was suggested that that could be left to the Committee to include in its rules of procedure, as was the case with other treaty bodies. Other delegations pointed out that a certain specificity with regard to such other sources of information might be necessary and proposed to limit it to information available from United Nations sources - for example, the reports of special rapporteurs in the field of human rights. Still other delegations expressed support for maintaining the paragraph in its current formulation, without restrictions, referring in particular to the explanations of the committee resource person in that regard. They noted that any information obtained from other sources would, in any case, be transmitted to both parties for comment.

44. While many delegations favoured the use of written information only in the examination of a communication, some suggested that that issue should be left to the Committee to determine. Oral testimony should be permitted, if the Committee so decided. The point was made that the formulation that information would be made available to the Committee by "or on behalf of" the author and the State party suggested that unrelated third parties would be entitled to provide

information, which could make the process potentially overwhelming; the formulation thus needed to be considered further.

45. The Working Group agreed ad referendum on article 7 (2) of document E/CN.6/1997/WG/L.1.

46. While many delegations expressed support for the formulation contained in article 7 (3) of document E/CN.6/1997/WG/L.1, other delegations noted that no reference should be made either to the adoption by the Committee of its views or to its recommendations. In that regard it was noted by some delegations that the current formulation reflected the sequence of actions taken by the Committee and established practice of other treaty bodies. They also pointed out that the paragraph dealt with the conclusion of the Committee's examination of a communication - that is, after the State party had been given the opportunity to submit its comments and information to the Committee.

47. Some delegations proposed the addition of a paragraph which would allow the State party concerned to participate in proceedings before the Committee, in accordance with the practice under certain international conventions. Other delegations noted that the procedures referred to were of a different type - that is, inter-State procedures, rather than communications procedures. They could therefore not support such a proposal. They emphasized that the practice of similar mechanisms was essentially written in nature. Some delegations noted that if there were to be a provision allowing oral presentation by the State party, the same right would need to be granted to the petitioner in order to ensure equality.

## Article 8

48. While several delegations expressed support for the article as contained in document E/CN.6/1997/WG/L.1, other delegations considered that the inclusion of such a provision in the optional protocol would represent a major step which needed careful consideration. Still other delegations considered the article to be redundant and proposed its deletion, doubting the appropriateness of a provision which would allow the Committee to request States parties to take specific remedial measures. Several delegations noted that States parties were, in any case, under an obligation to remedy violations, and therefore saw no reason for explicitly including such a provision in the optional protocol.

49. Some delegations noted that the essence of article 8 (1) was already reflected in article 7 (3) of document E/CN.6/1997/WG/L.1 and should therefore be merged with it. It was also suggested by some delegations that the question of remedial measures should be regulated in the Committee's rules of procedure and left to the practice of the Committee.

50. Several delegations were in favour of maintaining explicit language regarding the State party's obligation to provide an appropriate remedy, including adequate reparation. They pointed out that the inclusion of such a provision in the optional protocol would be a contribution by the Working Group to the progressive development of international law with regard to the right to reparation for human rights violations.

51. Many delegations expressed support for the intent reflected in article 8 (3) of document E/CN.6/1997/WG/L.1, which would build on the existing practice under similar existing procedures of continuing dialogue between the Committee and the State party after the determination of a communication and the

finding of a violation. At the same time, several delegations suggested that the intent of the provision be added to article 7, in a new article 7 (4), rather than remaining in article 8.

52. Several delegations expressed their concern that the proposal on follow-up to concluded communications might establish a parallel procedure to the reporting procedure in article 18 of the Convention and that that should be avoided. They suggested that the State party ought to be given an opportunity to provide its comments on the Committee's views with regard to a concluded communication, so as to allow for a reflection of a State party's potential disagreement with the Committee's views in the Committee's annual report. Other delegations noted that States parties would be requested to provide their comments and information at all the various stages of the consideration of a communication.

53. Some delegations suggested that any follow-up, including follow-up on measures taken by the State party, should be included in the periodic reports of that State party. Other delegations noted that the reporting procedure and the communications procedure under an optional protocol, including any follow-up to the views of the Committee, were two separate procedures which ought to be kept separate. The long period of time between periodic reports would make any follow-up to communications through the reporting process less meaningful.

## Article 9

54. Several delegations underlined the importance of including a complete follow-up mechanism in the optional protocol, noting that the absence of such a mechanism was considered a weakness in similar existing procedures. The Committee resource person stressed the importance of a continuing and constructive dialogue between the Committee and the State party.

55. As to the differences between the provisions contained in articles 8 (3) and 9 (2), it was pointed out that article 8 (3) dealt with the short-term follow-up, whereas 9 (2) would cover ongoing and long-term monitoring by the Committee in the framework of the reporting procedure of a situation that had given rise to a violation. In that regard, some delegations noted that parallel overlapping procedures should be avoided and that follow-up to the communications procedure should be limited to the steps proposed in article 9 (2), with the deletion of article 8 (3). Noting the different objectives of articles 8 (3), 9 (1) and 9 (2), several delegations supported the separate retention of the three provisions.

56. Several delegations were in favour of retaining the provisions of article 9 and stressed the importance of a dialogue between the Committee and the State party as a means of ensuring added protection to the individual in the short and long term. Some noted that the term "discuss" used in article 9 (1) was not entirely clear as it seemed to suggest an oral discussion between the Committee and the State party, which was not considered to be desirable or intended. Several delegations pointed out that article 8 (3) should be maintained as a mandatory short-term follow-up to the Committee's views on a communication, whereas article 9 (1) and (2) would cover further dialogue, if appropriate, possibly in the framework of the reporting procedure. Some delegations suggested deletion of article 9 (1), in the light of doubts raised in conjunction with the appropriateness of article 8 and because it raised major issues of jurisdiction and sovereignty.

57. While agreeing on the need for a clear and simple mechanism, delegations also highlighted the need to strive for an effective mechanism which would include follow-up on the steps taken by States parties in the light of views and recommendations adopted by the Committee regarding a communication.

## Articles 10 and 11

58. Many delegations expressed support for articles 10 and 11, noting that the procedure would allow the Committee to focus on the root causes of discrimination and would be valuable in those cases where individual victims who suffered over and above other women could not be identified. Some delegations suggested the inclusion of an article that, like article 20 of the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, would allow the Committee, with the agreement of the State party, to visit its territory. While several delegations suggested that the time-frame in which the State party should be obliged to respond with its observations to the Committee should be six months, most delegations envisaged a three-month period.

59. Several delegations indicated that any protocol to the Convention should be confined to providing an individual communications procedure only and not contain the inquiry procedure envisaged in articles 10 and 11 of document E/CN.6/1997/WG/L.1. In so doing they suggested that the procedure could be unnecessarily confrontational, could require significant human and financial resources, and was appropriate only in the context of torture. Some delegations questioned the efficacy of an inquiry procedure of a legal nature under an optional protocol to deal with serious and/or systematic violations. They suggested that such situations might require a more political approach - for example, through the mechanisms of the Commission on Human Rights and the Commission on the Status of Women.

60. Some delegations requested further clarification on the sources of information that would trigger the process and how the veracity of that information would be assessed. Others pointed to the capacity of the procedure to encourage dialogue between the State party and the Committee, and suggested that the notion of the "cooperation" of the State party should be incorporated into the procedure.

61. A number of delegations suggested that the procedure should be available where the violation was both serious and systematic. Some argued in favour of a provision in the protocol that would allow the State party to "opt out" of an obligation to submit itself to the inquiry procedure, whereas others did not favour such a provision.

## Article 12

62. Although some delegations were of the view that article 12 of document E/CN.6/1997/WG/L.1 was not required in the protocol because any State that had ratified or acceded to the Convention and the protocol would be obliged to ensure that the procedures in the protocol could be accessed by all persons under its jurisdiction, most delegations supported the inclusion of an article that captured the spirit of article 12. Many delegations supported the reformulation of the provision in article 12 (a) in a positive way so as to promote the relationship of the Committee and States parties.

### Article 13

63. The Working Group adopted article 13 of document E/CN.6/1997/WG/L.1 ad referendum.

### Article 14

64. Although some delegations suggested that article 14, which would require States parties to make the protocol and its procedures known in their countries, was unnecessary since international treaties ratified or acceded to by many States were publicized in official gazettes, many delegations were in agreement with the spirit of the article, which a number noted was included in the rules of procedure of other bodies with similar proceedings. Some delegations believed that the views of the Committee should be made known to the public by the State party only. A number of delegations suggested the reformulation of the article to require the State party to make the protocol and its procedures widely known, while others suggested that it might be unduly burdensome for the State party to be required to publicize the Committee's views on individual communications and inquiries.

### Article 15

65. Some delegations doubted the necessity for the inclusion of the article which would give the Committee the power to develop its own rules of procedure with regard to the procedures elaborated in the optional protocol. They noted that the power to do so was to be found in article 19 of the Convention on the Elimination of All Forms of Discrimination against Women. It was noted that a provision relating to rules of procedure was to be found in article 39 (2) of the International Covenant on Civil and Political Rights but not in its first Optional Protocol and that, while it might not be necessary to include such an article, the article provided useful clarity.

### Article 16

66. Although there was some support for the article, a number of delegations suggested that a specific provision relating to the meeting time of the Committee so as to allow it to carry out its functions under the protocol, as proposed in article 16 of document E/CN.6/1997/WG/L.1, was inappropriate and linked to resourcing of the proposed protocol. Some delegations suggested that the provision should indicate that the Committee should meet for such a period as was necessary within its agenda to carry out its functions under the protocol.

### Article 17

67. Many delegations were satisfied with article 17 as set out in document E/CN.6/1997/WG/L.1, which addressed signature of, accession to and ratification of the optional protocol. Some delegations suggested technical amendments relating to drafting and agreed that those issues should be resolved in the light of legal opinion.

### Article 18

68. Many delegations were of the view that the optional protocol should enter into force after the fifth instrument of ratification or accession was lodged with the Secretary-General so that victims would be able to take early advantage of its procedures. Others suggested that wide acceptance of the optional protocol was of value and that the threshold should be 10 States parties, while a number were of the view that 20 should be required.

### Article 19

69. Some delegations suggested that article 19 inappropriately sought to extend the jurisdictional reach of the Convention and should therefore be deleted. It was suggested that it be reformulated to indicate that the provisions of the protocol extend to the jurisdiction of a State party without any limitations or exceptions, while a number of delegations suggested that the formulation in document E/CN.6/1997/WG/L.1 was acceptable. Some delegations doubted the necessity for the article, and many delegations requested further information on the legal implications of the proposal.

### Article 20

70. A number of delegations pointed out that the Vienna Convention on the Law of Treaties allowed reservations but prohibited any reservation which was contrary to the object and purpose of a treaty. A number of delegations supported the inclusion of article 20, which precluded any reservations to the optional protocol, noting that the Vienna Convention on the Law of Treaties permitted such an article. It was suggested that the inclusion of the article was consistent with existing international practice and would be appropriate for a modern instrument designed for the twenty-first century. It was pointed out that the opportunity of States parties to choose not to submit to the inquiry procedure envisaged in articles 10 and 11 of document E/CN.6/1997/WG/L.1 could be addressed by way of an opt-out provision. Several delegations suggested that the optional protocol should not include an article concerning reservations. It was pointed out that, in any event, reservations to the protocol could not affect the obligations undertaken by a State party as party to the Convention. Some delegations argued for a more specific provision, which would allow specified reservations only or prohibit specified reservations.

### Article 21

71. Delegations agreed with article 21 ad referendum as reflected in E/CN.6/1997/WG/L.1, which concerned amendments to the optional protocol. It was suggested that further consideration be given to paragraph 3 of article 21, which might not encompass procedural amendments which did not affect all States parties.

### Article 22

72. Delegations agreed with article 22 as contained in document E/CN.6/1997/WG/L.1 with a proviso on the inquiry procedure, providing for denunciation of the protocol in principle and suggested that its language be revised to follow that of article 13 of the first Optional Protocol to the

International Covenant on Civil and Political Rights. The Working Group agreed that denunciation should take effect six months after the date of receipt of notification of denunciation by the Secretary-General.

### Articles 23 and 24

73. Delegations agreed with articles 23 and 24 of document E/CN.6/1997/WG/L.1 *ad referendum*.

### Resources

74. The Working Group was aware that the entry into force of the optional protocol would have resource implications. It agreed to defer consideration of the matter until the content of the protocol became clearer and there was a basis for a more informed discussion of the matter.

### Comments of a member of the Human Rights Committee

75. The Working Group was assisted by the comments of Ms. Elizabeth Evatt, a member of the Human Rights Committee, who described aspects of the work of that Committee in the context of the first Optional Protocol to the International Covenant on Civil and Political Rights. She indicated that the procedure provided by the first Optional Protocol did not entitle the Human Rights Committee to pronounce on the domestic law of a country but rather allowed it to determine whether the State party's law and practices were in compliance with its international obligations which had become binding on it because of ratification of or accession to a treaty. She noted that the Human Rights Committee's practice of requesting interim measures had been respected by most States parties. She also noted that very few communications received by the Committee had been ruled inadmissible on the grounds of being frivolous or vexatious. She indicated that the Committee drew a distinction between situations in which domestic remedies were available but their application had been unreasonably prolonged and situations in which domestic remedies were essentially unavailable.